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**JOHN DUKE of ARGYLE & GREENWICH**

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THE  
HISTORY  
OF  
SCOTLAND,

TRANSLATED FROM THE LATIN

OF

GEORGE BUCHANAN;

WITH NOTES,

AND

*A CONTINUATION TO THE PRESENT TIME.*

IN SIX VOLUMES.

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By JAMES AIKMAN, Esq.

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VOL. VI.

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# THE HISTORY OF SCOTLAND.

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## BOOK XIX.

Looking down from the eminence on which we now stand, with all the advantages of time, and with a full view of the consequences before us, we wonder that an object of such evident utility, and productive of such important benefit to Scotland, as the union of the two kingdoms, should ever have encountered such virulent and unremitting opposition as attended its progress—should ever have been branded as a disgrace, or predicted as the ruin of the nation it was destined to raise from poverty to wealth, and from insignificance to an importance in the European family, which, without that conjunction, it could never have hoped to attain. But in order properly to understand this opposition, we must transport ourselves back to the days of our fathers, revive their prejudices, enter into their feelings, and recall their prospects and anticipations at the time when nine-tenths of the population of the land would have risen to prevent, or afterwards to break asunder a connexion, which the unanimous voice of their children would now pronounce it the greatest of their calamities, were it possible to dissolve.\*

\* Some strange fatality has attended the records of Scotland from first to last; and those respecting the secret intrigues which produced the union have shared in the common lot. Among the MSS. of lord Somers, which were destroyed by a fire in London, were a large collection of papers relative to the union. A more serious loss was an extensive collection of state papers and letters made by lord Seafield, which, together with his memoirs of his own

National independence was the idol of our ancestors, and to it almost every other consideration was sacrificed. Unequivocally as they had been subdued by Cromwell, there were some alleviating circumstances that soothed the pride of the Scots in their humiliation, but exasperated their hatred against the English, whose superiority they at once envied and acknowledged. Dissension had enabled the protector to achieve a conquest which his projected union was intended to confirm; and as the grounds of his incorporating alliance were adopted as the basis of the present settlement, the recollection was painful and degrading; and when they were reminded of the blood that had been shed, and the efforts that have been made to preserve the sacred inheritance, an indignant swelling of wounded nationality assumed the semblance of patriotism, and all the inherited animosity of former times for their more powerful neighbour was called again into action. This sentiment pervaded the whole land, and the writers of that day did not fail to bring to their recollection the attempts to coalesce ineffectually made in the reigns of James I. and Charles II. which failed only, they alleged, because the Scottish statesmen were not prepared to surrender the bequest of their fathers, to merge their parliament in a foreign legislature, and contentedly sink into a province of England.

Next, if not equal, was the form of their religion. How-

times, were consumed in his own house adjacent to the Abbey, several years after the union took place; and lord Mar's papers respecting the union and the rebellion, 1715, were likewise destroyed. Nor did the records of the church escape from similar calamity. In the great fire, 1700, and in another in the Lawnmarket, 1701, a number of the registers of the general assemblies, and the minutes of the commission, from the revolution to that period, perished; fortunately the printed acts preserve the record of the principal transactions; but a number of curious and interesting occurrences connected with them must now be gleaned from other quarters. The numberless tracts, however, published at the time the union was in discussion, and after, amid an intolerable load of rubbish, afford a great deal of curious and important information. I may here just mention, that my friend, the very Rev. Principal Baird, and my old class-fellow Dr. Lee, have afforded me every facility for examining the records of the church, and the Rev. Mr. Goold has assisted me as far as in his power respecting the history of the Cameronians.

ever many temporized in times of persecution, or however little numbers cared about the spirit, presbytery was entwined with the earliest and dearest recollections of the Scottish people; the sufferings of their fathers yet fresh in their memory, the tyranny of the prelates, their pomp and lordly state, the idleness and profligacy of the curates, not yet effaced from their recollection—wedded them to the plainness and simplicity of their own ministers, and made them dread the shadow of an episcopal yoke. In an union with England, they saw episcopacy the establishment of the more powerful state, and the bishops forming part of a legislature where their representation would be a wretched minority; and they could not understand the nature of that security which the powerful promises to the weak, other than as the fabled compact between the wolf and the lamb.

It was upon these two grand leading principles that the patriots of the day acted, and it was upon these that the jacobites themselves were constrained to act in all their public appearances. In the lowlands, the latter were never numerous, but they were noisy and active, and deemed no means unlawful by which there was a possibility of bringing back their beloved despotism. They therefore artfully followed where they could not lead; and assumed the merit of being directors of the current down which they swam, in the hope of its bursting its banks, and deluging the country, in whose wide-spreading ruin they might haply find some selfish accidental advantage. Wherever they could not excite a disturbance, they urged it on, and, if not at the bottom, were certain to be in the middle of the affray. Like all such intermeddlers, however, they were frequently blamed for what they were not guilty, and they as frequently made a merit of that in which they had no hand. Every tumult, in consequence, which took place during the perturbed state of the public mind respecting the union, while the debates were going forward in parliament, was claimed by, or attributed to the jacobites. But with the most regular, that at Dumfries, they had nothing to do, and their connexion with the movements in the west was at best

doubtful;—if they were not the dupes, they were not the principals.

After the articles had been printed and dispersed, and the table of the estates was covered with petitions against them, the peasantry of Nithsdale entered Dumfries in arms, and publicly burned at the cross the articles and the names of the commissioners, affixing at the same time, in imitation of the days of yore, a declaration, disclaiming all intention of interfering with the proceedings of parliament. Yet they formally protested, “that if the subscribers to the foresaid treaty of union with their associates in parliament, should presume to carry on the said union by a supreme power over the generality of the nation,” “then and in that case,” they add, “as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties purchased and maintained by our ancestors with their blood, so we protest that whatever ratification of the foresaid union may pass in parliament contrary to our fundamental laws, liberties, and privileges in church and state, may not be binding upon the nation, now nor at any time to come.” Their formidable appearance occasioned considerable alarm; but, except publishing their manifesto, and remaining together for a few days, they carried their hostilities no farther.\*

In the West, appearances were more threatening; the population were strictly presbyterian, attached to the protestant succession, but determined opponents to every shape and form of episcopacy. The inhabitants of Glasgow had already expressed their disapprobation; but, under the right allowed by the act of security, the different counties at length assembled openly for military training, with the avowed purpose of dissolving the parliament by force.

\* Kerr of Kersland, in his memoirs, vol. i. p. 42, *et seq.* claims the merit of guiding this business, and disappointing the jacobites of the north of the cooperation of the Cameronians; but his is a very doubtful authority, and he evidently did not understand the principles of the Cameronians, nor do I find any trace of him in the MS. minutes of the general meetings; he was, by his own account of himself, a most unprincipled miscreant; or, to comprehend all that is vile in one epithet—a *Hired Spy*.



They had established correspondences with each other, and sent emissaries through the north and the east, to excite these quarters to similar measures. While these movements were going on, Cunningham of Eskett, a reduced presbyterian officer in indigent circumstances, informed the known leaders of the jacobites, Brisbane of Bishopton, Cochrane of Kilmarnock, and Lockhart of Carnwath, that he wished to do something to save his perishing country, and was certain, if he had the means, he could engage the western shires to march to Edinburgh. He accordingly procured from them a sum of money, and the duke of Athol engaged that he would secure the pass of Stirling, and keep open a communication with the north. Thus furnished and instructed, Cunningham gained the entire confidence of the leaders in the west, and having traversed the whole country, returned to his jacobite friends, informing them that all were prepared to rise at a signal, armed and ready to co-operate with their friends from the other quarters of the kingdom, in driving from the seats of which they were unworthy, a parliament who had sold themselves, and were about to sell their country. Whether he had been sincere, or in the service of government from the beginning, is uncertain; but at this critical moment he deserted the cause, and received his instructions from Queensberry. By him he was directed to repair to the west and south to amuse the confederates, and dissuade them from arms; in which he appears to have been seconded by Mr. John Hepburn, now again separated from the established church, and ministering among some dissatisfied congregations in the same district.\*

\* Lockhart says, the government had gained over Mr. Hepburn, a mountain Cameronian minister, and he served them as a spy. Hepburn was not a Cameronian: he was minister of Orr at the revolution; and after a long tedious process, in which he was suspended and restored, deposed and reponed, according to a MS. note in a copy of "Humble pleadings for the good old way," now lying before me, which had belonged to his wife, he is said to have died minister at Orr, April 1723, in the 71st year of his age. He was occasionally connected with some of the society-men in the south, and together with them he protested against the union, but published an open disclaimer of ever having

This mission he successfully performed, and that without incurring the suspicion of his employers : for the duke of Hamilton, who had at first entered into the project, but who, throughout the whole business, had kept nightly conferences with Queensberry in the palace where they both lodged, unwilling to have recourse to arms, or more probably under the influence of the commissioner, sent private messengers through the whole country, requiring them to put off their design ; and on the day appointed, instead of seven or eight thousand men well armed assembling at the rendezvous, not above five hundred disregarded the orders and kept the appointment ; and they, when they saw no general meeting, retired to their homes muttering curses against their betrayers.\*

Thus the only two insurrectional movements that seriously threatened the peace of the kingdom passed over, and the security act being immediately repealed, all future attempts were prevented. But the country remained in a state of gloomy inquietude during the progress of the bill for the union through their own, and with some small hope that it would be rejected by the English, parliament. The moment it passed the Scottish estates, Queensberry sent it off by express to London, where the English houses, whose meeting had been studiously delayed, were then sitting. Anne, who took the most lively interest in promoting the object, immediately in person communicated to them the important fact, and expressed the great satisfaction she experienced in affording them an opportunity of putting the

had any connexion with the jacobites. He differed, however, from those who called Mr. John M'Millan to be their minister, who were, correctly speaking, styled Cameronians, and were the regular predecessors of the reformed synod. They had many private dissensions upon the topics of the day now properly buried in oblivion ; but they all adhered rigidly to the original doctrine of the covenanters, and maintained undiminished their abhorrence at popery, prelacy, and despotism.

\* I cannot state every authority upon which my text is written ; were I to do so, it would occupy about half a page of each sheet. Those who know the labour of historical composition alone can appreciate mine ; to others, that is, to people not accustomed to similar research, references would be of little consequence. Often my authorities are half-sheets and quarter pages.

last hand to a happy union of the two kingdoms ; which she hoped would be a lasting blessing to the whole island, a great addition to its wealth and power, and a firm security to the protestant religion ; and again repeated what she had frequently said, that she would look upon it as a particular happiness, if that great work which had been so often attempted without success, should be brought to perfection in her reign.

Both houses proceeded instantly to take the terms into consideration. The opposition, however, which was anticipated, was paralysed by causes over which the parties possessed no control, and upon which they could have formed no calculation. France was entirely broken in the field, and could neither afford the promise of money or of men. The English arms had been successful beyond the proudest hopes of their most sanguine expectants ; but in their gazetted triumphs, the Scottish regiments bore no secondary part ; the fall of a Douglas illustrated the victory of Steinkirk, and at Hockstead and at Blenheim the Cameronians were the first at the onset. Association in arms prepared the way for association in a civil compact ; and it would have been base to refuse a share in the sordid gains of traffic to those who were earning the same meed of glory. Upon the articles of trade, therefore, respecting which the English were most refractory, they were ashamed to insist ; for who would not blush in the careering hour of victory, to stoop to the paltry consideration of pence ? The tories made a feeble effort in the house of commons to obstruct the treaty. But the first division, which carried triumphantly a vote of thanks to her majesty for her speech and her communication, proclaimed the hopelessness of all opposition.

Sir John Parkington said, “that for his part he was absolutely against this incorporating union, which was like marrying a woman against her consent : an union that was carried on by corruption and bribery within doors, and by force and violence without.” Sir John was repeatedly interrupted, but he reiterated his charge, and enforced it by de-

claring, "that the promoters of that union, in basely giving up their independent constitution, had actually betrayed the trust reposed in them; and therefore he would leave it to the judgment of the house to consider whether or not men of such principles were fit to be admitted among them." No reply was made by the ministers, who were more anxious to get the measure approved than debated. The articles were therefore gravely read without disputation, and a bill ordered to be brought in.

The tories were prepared to resist in detail; but sir Simon Harcourt, the solicitor-general, drew it up in such a manner as precluded discussion. The preamble consisted of a recital of the articles as they passed in Scotland, together with the act for the security of the presbyterian church, and another act passed in England for that of the episcopal, with one final enacting clause, ratifying the whole. To the recital there could be no objection, as it contained only matter of fact, and the opposition had not strength sufficient to withstand the general enacting clause. Taken altogether by surprise, they could only cry out that it was a shame to carry a measure of such importance through the parliament "post haste;" and that, sir Thomas Littleton said he thought a very unconscionable cause of complaint; "for," replied he, "as long as the weather is fair, the roads good, and the cattle in heart, there is nothing like driving on till we reach the end of our journey."

In the house of lords it was more stiffly contested by a small but respectable minority. Lord Haversham was entirely against an incorporating union, when he saw the whole population of Scotland so completely against it; "let it be a union of interest," said he, a federal union as close and as intimate as it can be made; but for independent nations, each possessed of sovereignty, having different laws, customs, and church government, to mingle together as one kingdom, he thought the motion too heterogeneous to be lasting; and for this he had the high authority of lord Bacon, who, speaking on this very subject, observed, that 'an unity that is forced up by a direct admission of contraries

in the fundamental points of it, is like the toes of Nebuchadnezzar's image, made of iron and clay—they may cleave together, they can never incorporate.' He dreaded also disaster to the English constitution, the most equal and best poized government in all the world—the peculiar excellency of which lies in the well-proportioned distribution of its powers, whose balance might be destroyed by the enormous weight of sixty-one Scots members. Nor could he pass over the evil which must result from establishing a precedent by which one hundred Scottish peers, and as many commoners, were excluded from the parliament, whose rights were as strongly formed and secured to them by the fundamental laws of their kingdom as any who sat by inheritance or choice in these houses; and if, in the face of an act of the Scottish legislature declaring it treason to make any alteration in their constitution, the Scottish peers could lose their privileges, what security had the English or British nobility that they would retain their own?" To all which one general answer was given;—that so great an object as uniting the whole island into one kingdom could not be obtained without some inconveniences; if, therefore, the advantages exceeded, the lesser evil must be borne. The dangers to be most dreaded were a popish succession, and the power of France; and whatever provided against these ought to be hailed as the greatest blessing;—that Scotland was placed on the side where England was weakest, and where it could not be defended but by a large force; that the collieries on the Tyne lay exposed for several miles, the defence of which would of itself require an immense army and expenditure; and should even Scotland be conquered, in the event of a war, that would not much reduce either—for the Scottish could not be kept in subjection but by the same means, and the danger of keeping up a standing force in the hands of any prince was perfectly obvious. The articles were therefore approved by overwhelming majorities; and—as in Scotland—a few protests only bore record to the ineffectual resistance of the disaffected, whose scruples and fears being more groundless, were treat-

ed with less courtesy than those of the Scots. Three only dissented to every one of the twenty-five articles; five to the inequality of the land-tax, four to the Equivalent, the same number to the proportion of Scottish peers as too great; but seventeen, including two bishops, protested "that nothing in the ratification should be construed to extend to an approbation or acknowledgment of the truth of the presbyterian way of worship, or allowing the religion of the church of Scotland to be, what it is styled, the true protestant religion."

At giving her assent to this important act, [March 6, 1707,] her majesty addressed the parliament in the following terms: "My lords and gentlemen:—It is with the greatest satisfaction I have given my assent to a bill for uniting England and Scotland into one kingdom. I consider this union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that till now all attempts which have been made towards it in the course of above a hundred years have proved ineffectual; and, therefore, I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it to such a happy conclusion. I desire and expect from all my subjects of both nations, that, from henceforth, they act with all possible respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and make us all quickly sensible of the good effects of this union; and I cannot but look upon it as a peculiar happiness, that in my reign so full provision is made for the peace and quiet of my people, and for the security of our religion by so firm an establishment of the protestant succession throughout Great Britain.—Gentlemen of the house of commons;—I take this occasion to remind you of making effectual provision for the payment of the Equivalent in Scotland within the time appointed by the act; and I am persuaded that you will show as much readiness in this particular as you have done in all the parts of this great



work—My lords and gentlemen :—The season of the year being now pretty far advanced, I hope you will continue the same zeal which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you.”

When confirmed by the royal assent, the articles were engrossed and enrolled, but the original record of this great transaction was lodged in the tower. An exemplification of the whole under the great seal of England was transmitted to Scotland, to be read in parliament, and then laid up with its registers and rolls; and, along with the regalia, &c. to be kept as a perpetual memorial to the country as the tokens of her past independence.

While the parliament of England were engaged in ratifying the articles of union, and paying Scotland the form of a compliment by receiving from the estates the deed which the English ministry had dictated or drawn, the ungracious details, proportioning the representation, and dividing the Equivalent, were passing through the expiring legislature of the ancient kingdom. Convinced that, had they appealed to the sense of the nation, not one of the ministerial party would have been chosen, the government determined not to risk it; and therefore they resolved that the then present estates should choose the members who were to represent Scotland in the first united legislature, as the English had resolved that their present peers and commons should be transformed into their portion of the British parliament. Hamilton and Cochrane of Kilmaronock protested against it:—the first as being an infringement of the twenty-second article of the union, by which the method of choosing the peers is regulated and determined; the other, as being contrary to the birth-right, and inconsistent with the privileges of the barons and burghs of Scotland. But the majority, who had disfranchised two-thirds of the estates of the kingdom, were not likely to be startled at using a little freedom with the right of the remainder; it was accordingly voted that the sixteen peers, and forty-five commissioners for shires and burghs should be chosen by the peers, barons, and

burghs, respectively, in the present session of parliament ; and out of the members thereof—in the same manner as committees are usually chosen—to be members of the respective houses of the first parliament of Great Britain.

Having determined that point so as to secure seats for their friends in the first, it remained to arrange how the succeeding elections should be managed. Ministers, and the chief nobility, who were for appropriating among themselves the greatest share, proposed that the choice should be restricted to certain families to be named ; or that they should be classed, and the choice made with some regard to rank and ancestry. By rather a curious mode of argumentation, they assumed as indisputable, that the new nobility could neither have that attachment to their honours, nor that sound regard for the privileges of their station which older families possessed, and would therefore be more easily reconciled to retrace the steps leading back to plebeianism ; but this not being quite so agreeable to the young race as their elders imagined, it was proposed that the representatives should succeed by rotation. Neither old nor new were satisfied with rotatory returns, and an open election was preferred.

The barons, reduced to thirty-nine, distributed one to each county, except Clackmannan and Kinross, Nairne and Cromarty, and Bute and Caithness, who were to have one alternately. Against this classification Sinclair of Stempster protested, because the rule for reducing shires was by their valuation, and Caithness was valued higher than Sutherland ; but the earl of Sutherland was a commissioner for the union, and as the electors in that county were mostly his vassals, they procured a representative for themselves. Fifteen was the proportion allowed for the burghs, which were arranged in districts of from four to five towns each, Edinburgh alone having the privilege of returning one. Perhaps as the Scottish burghs are at present constituted, and from the mode in which elections are generally conducted in them, there is no great cause for complaint that the numbers allotted them were so few ; but, on a comparison with England, it does appear unaccountably preposterous,

that such an adjustment should ever have taken place, and it is equally strange that it should ever have been considered in any other light than a mockery.

Neglected by both parties, Hamilton saw himself excluded from the British parliament, and despised by those who had looked up to him as a leader. The squadron experienced the usual fate of trimmers; and of the sixteen peers and forty-five commoners elected, only eighteen who had been in opposition, or who were not the devoted adherents of ministry, were returned.

All the important debatable subjects being now settled, the transaction was wound up by a division of the spoil. The commissioners for the treaty of union were allowed for their expenses—a nobleman, nine hundred pounds sterling, or in the better sounding Scottish money, twelve thousand pounds, the commoners half the sum; the commissioners for the treaty 1702 had, a nobleman five hundred, a baron three, and a burrow two hundred pounds sterling, which, with clerks and assistants, disposed of thirty thousand pounds of the Equivalent, and gave rise to a variety of sarcastic inquiries—whether these were the most approved methods for encouraging the manufactures and employing the poor? raising stocks for the woollen trade, and funds for the fishing? while their indignant or disappointed opponents exclaimed, that they could now estimate the value of their votes, and the warmth of their patriotism.

The reimbursement of the Darien company was referred to a committee, who reported that they found the capital stock advanced by the proprietors of the company, with interest thereof at five per cent. from the respective terms at which the same was payable, to the first of May, one thousand seven hundred and seven, amounted in all to two hundred and twenty-nine thousand, four hundred and eighty-two pounds, fifteen shillings, and one penny five-sixths, and the debts due by them fourteen thousand, eight hundred and nine pounds, eighteen shillings and elevenpence, making together a sum of two hundred and fifty-four thousand, two hundred and ninety-two pounds, fourteen shillings, which was ordered to be paid by the commissioners who

were to be appointed for the general distribution of the Equivalent immediately to the persons who have a right to the payment by act of parliament. Whether this sum was fairly distributed, or partially dispensed among the friends of the ministry, as was insinuated, cannot now be determined; but according to the minutes of parliament and the reports of the committee, there appears to have been every exertion made to repay the *bona fide* proprietors and sufferers; nor have I, in all the accusations I have examined, met with what appears to me any well-grounded charge of misapplication in this part of the disbursement.\*—Yet still there was a very handsome residue left to gratify the friends of ministers, and there were many other public debts which were left to be settled by the commissioners for managing the Equivalent, which were subject to no revision.

At length the exemplification of the treaty arrived; and those who had hoped that delays, conferences between the house, or hesitations, might have protracted the discussions till the period appointed for the commencement of the union [the first of May] had elapsed—or that amendments on the articles would have required its being again submitted to the Scottish parliament, were surprised to find that it had been so summarily passed and returned without the least alteration. While the deed was engrossing, a number of private acts were passed, and [March 25th] the act *Salvo* being read, the commissioner, in his parting speech, thus closed for ever a separate and independent legislation in Scotland.—“My lords and gentlemen:—the public business of this session being now over, it is full time to put an end to it. I am persuaded that we and our posterity will reap the benefit of the union of the two kingdoms, and I doubt not that as this parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this nation, a grateful sense of her majesty’s goodness and great care for the welfare of her subjects, in bringing this important affair to perfection, and that you

\* Pamphlets on the Union.—Anatomy of an Equivalent.—Defence of the Distribution, &c.

will promote an universal desire in this kingdom to become one in hearts and affections, as we are inseparably joined in interest with our neighbour nation. My lords and gentlemen :—I have a very deep sense of the assistance and respect I have met with from you in this session of parliament, and I shall omit no occasion of showing to the utmost of my power the grateful remembrance I have of it.” The parliament was then adjourned till the 22d of April,\* and on the 28th was dissolved.

It is impossible to record or to read without a feeling somewhat akin to sadness, of the breaking up of a venerable institution, identified with all the ancient glory of our country ; but from the facilities which an English ministry possessed after the union of the crowns to influence its deliberations, from the readiness with which it was rendered the tool of despotism under the Stewarts, and from the danger to which it was exposed of again crouching beneath the same burden, it would be foolish to think with regret upon the decease of the Scottish estates, or with other sentiments than those of satisfaction, upon the stability which was insured to real freedom under the protection of the British parliament. The queen expressed her gratitude to the Scottish nobility, who had been chiefly instrumental in promoting the union, by titles and pensions ; Montrose and Roxburgh were created Scottish dukes—the highest and last honours of the ancient kingdom—the earls of Mar and Seafield were admitted of the privy council, and Queensberry, with the whole patronage of Scotland, was afterwards raised to the first rank of the British peerage. Her majesty went in procession to St. Paul’s on the first of May, to offer thanksgiving for the auspicious conjunction. Addresses of congratulation were presented to her from every quarter of the whole English nation, who were enraptured at the union, which they considered as the commencement of a new era of national felicity.

So thought not the Scottish. When their national legislature was lost, a spirit of sullen discontent succeeded

\* “ Seafield the chancellor’s observation in adjourning the parliament was, ‘there is an end of an auld sang’ to his immortal memory.” Hist. of the Revolution in Scotland.

to the hopes and fears by which they had been so long agitated, and that was increased by an unfortunate circumstance connected with mercantile speculation. As the import duties upon foreign commodities were trifling in Scotland, but heavy in England, and both were to continue on the same footing till the first of May, the interval before the operation of the union treaty was employed by a number of merchants in landing valuable cargoes of brandies, wines, &c. at Leith and other ports, to be brought into England after the union had commenced, when all merchandise from Scotland would be admitted duty free :—this was undoubtedly a fair advantage offered in the lottery of trade, of which every Scottishman who had it in his power had a right to avail himself, and of which no Englishman had a right to complain. Another method of gain proposed was probably not quite so unimpeachable :—tobacco when exported from England, had a drawback of sixpence per lb. allowed ; some English traders, therefore, sent immense quantities to Scotland for the sole purpose of obtaining the bonus, with the intention of bringing it back, so soon as they could do so in virtue of the treaty.

No provision had been made to guard against such equivocal transactions, and it was even alleged that some of the treaters themselves were engaged in them ; but as all could not partake in the gain, those who were necessarily left out in the arrangement raised the loudest outcries at the danger to which the honest dealer and the revenue were exposed ; and the London merchants addressed the house of commons, then sitting, complaining of the intolerable inequality and injustice of allowing any such immunities. The commons entered into these views, and voted in reply, “that the importation of goods and merchandize, the growth and produce of France and other foreign parts, into Scotland, in order to be brought from thence into England after the first of May, and with the intention to avoid the payment of the English duties, will be to the damage and ruin of the fair traders, to the prejudice of the manufactures of England, a great loss to her majesty’s revenue of the customs, and a very great detriment to the public ;” and a bill was accordingly introduced, and passed the house, enacting that all foreign goods



brought from Scotland after the union should be liable to the same duties as those imported direct from France or Spain, under pain of seizure.

The Scottish merchants in London demanded by a counter petition the free intercourse of trade allowed them by the treaty, without breach of which, they affirmed, they could not be refused the liberty of importing any goods from Scotland, which were not contraband by law in the latter country previous to the treaty; since having paid all the duties due in Scotland, they were entitled, as Scottish property, to be freely admitted to every port in England; they therefore added a saving clause, "unless it could be proved they were the *bona fide* property of Scottishmen in Scotland, and not merely purchased or provided for the occasion;" but to counteract its value they made the *onus probandi* lie upon the importer, to whom was left the vexatious and often impracticable task of satisfying the custom-house officers. The lords, upon the representations of the Scots hesitated: the commons then expressed themselves still more strongly, and declared, that the importation of goods the growth of France through Scotland to avoid the English duties, was a "notorious fraud," and the London merchants re-echoed the assertion; but the lords persisted in considering the interference of the English parliament as illegal, and ultimately rejected the bill, referring the subject to the British legislature.

While the affair was in dispute, the merchants continued their speculations; and when the commencement of the union arrived, an immense quantity of foreign produce had accumulated in Scotland, which, in the middle of June, was shipped for London, with certificates of having been fairly imported into Scotland, and having regularly paid all exigible duties before the 1st of May. But no sooner had they entered the Thames, than the custom-house officers made a general seizure of both ships and cargoes. What aggravated this occurrence, was the entire subversion of all their former modes of collecting the trifling sums raised by customs and excise; and along with the new system, the introduction of crowds of English revenue officers, and the

stagnation of trade and confusion that accompanied their introduction. The taxes had, before the union, been usually farmed, and not unfrequently were compromised between the tacksman and the merchant; so that the small trade which was carried on was overlooked by only a few officers whose salaries were insignificant, and whose services were not over-rigorously performed. Even in these circumstances, it had been no uncommon case to run great quantities of goods; but when the enormous duties imposed in England began to operate, the temptation was too great to resist, and the whole country threatened to become one den of smugglers. The common people, not yet broke into obedience, acting upon the principle that the union was not legal, nor the English laws binding upon them, forcibly resisted the custom-house officers, and in many instances retook their seizures, which they considered recovering their own property, and treated the captors as common robbers;\* in spite of all the efforts of the latter, many thousand ankers of brandy were secretly landed from the first Dutch fleet that arrived after the union, and their attempts to enforce the new laws were openly obstructed.

As force, however, soon became hazardous, advantage was taken of the creeks and coves with which the Firths of Forth and Clyde abound, to land the cargoes they did not choose to enter, or they entered part, and run part. In this case, boats were stationed at different places, particularly in the Firth of Forth, and certain signals agreed upon between them and the "runners." Whenever a vessel appeared at a distance, the concerted flag was hung out to the confederates, who immediately came off, and received the contraband articles; or replied by signal from the shore, if the officers were in the neighbourhood, when the ship tack-

\* Lockhart, who hated these gentry most cordially, relates with much glee, "that about this time a Scots merchant travelling in England, and showing some apprehensions of being robbed, his landlady told him he was in no hazard; and, upon his inquiring how that came about, and where were all the thieves? 'why truly,' replied she, 'they are all gone to your country to get places.'" *Memoirs*, p. 224.

ed and made for another quarter, and having the whole Firth to range in, they shifted from side to side, and port to port, till they found the coast clear and accomplished their purpose; while the custom-house officers had the satisfaction of being spectators of the manœuvring, without being able to prevent the landing.

Few or no Scottishmen could be found who would incur the disgrace of enforcing the new regulations, and it was therefore necessary to employ others, who cared little for the contumely, and had courage to face the danger of such an employment. At first the service was severe, and a species of custom-house cavalry was raised for superintending the coasts, and a new marine for guarding the creeks and the bays. Four general riding surveyors, with twelve officers attached to them, formed the staff of the establishment, who divided the country into districts, and reviewed and kept to their duty the various corps of under agents, almost the whole of whom consisting of Englishmen, executed without mercy the oppressive exactions of the revenue laws. These guarda-costas consisted of what had never been known in Scotland—small armed cutters and boats, who cruized off the mouths of the Firths, and searched every vessel that entered. These too were manned chiefly by their newly united brethren, and exercised their office with that blunt disregard of ceremony which has always distinguished an English tar. Of the whole employed in this odious business, only two Scottishmen were admitted into the lucrative department of commissioners, and those were active treaters, sir Robert Dickson and a brother of the earl of Glasgow.

A gauger had never been heard of in the country till the new regiment of excisemen invaded it, and their manner of levying the tribute was as unintelligible as the thing itself was abhorrent to the native brewers. Like the customs, the excise had been generally settled amicably between the farmer of the tax and the payer, and that by a kind of “rough guess” which the brewer himself was, in most cases, allowed to make; not a person in the whole business had seen a gauging rod, or could use it, and were therefore utter-

ly amazed at "the bringing sticks to their barrels;" nor was it till nearly a twelvemonth had elapsed, that they were even partially introduced; and in consequence of the total unacquaintedness of the Scots, and their stubborn unwillingness to learn, the whole of this department also was intrusted chiefly to Englishmen.

Provision had been promptly made by the English parliament for payment of the Equivalent; but by some means it had been delayed to be forwarded to Scotland, and was afterwards transmitted in such a manner as tended still farther to exasperate the people at what they execrated as the price of their independence. When the money did not arrive at the stipulated time, reports were assiduously spread that it would never arrive at all; or, if it did, that the English having now obtained the sole object of their wishes, would act with their usual deceit, and distribute the wages of iniquity as upon a former occasion, with large deductions, and to purchase services of still deeper infamy. Some of the more violent patriots insisted, that, as the purchase money had not been paid, the bargain was null; and a party, at whose head the duke of Hamilton was said to have marched, paraded to the cross of the deserted capital, and protested at midnight, in name of the Scottish nation, that the conditions of the treaty not being fulfilled, the whole was void, and Scotland free, whenever her children chose to assert her freedom. When the money did arrive in the month of August, it was carried to the castle in twelve waggons guarded by dragoons, amid the hootings and howlings of the mob, who, in the violence of their vituperation, after abusing the soldiers and the drivers, reproached the vehicles that carried, and the horses that drew "the accursed thing." But when the sum came to be examined, it was found that only one hundred thousand pounds had been remitted in specie, and the remainder had been sent down in exchequer bills! and immediately a new and more violent clamour arose that the English had tricked them, and instead of money had sent paper! and this was the advantage the nation was to receive from the large influx of gold and silver to supply

the deficiency of their circulation, and raise the value of their new coin—three-fourths of the golden equivalent in bills payable three hundred miles off, and in London !

Nor were the charges of fraud entirely groundless. The bank of England had that year advanced to government a sum of one million two hundred thousand pounds upon exchequer bills bearing interest; these passed in London for cash, as they were payable on demand, and in extensive concerns were more convenient than specie; but it was widely different in Scotland, where there were no funds to meet them, and where they were not needed in large money transactions. As they could neither be used, nor bore interest, the claimants on the Darien scheme would not take them, and the commissioners were reduced to a perplexing dilemma, from which they were only extricated by prolonging the period of payment, prevailing on some to take half cash and half bills, and others to accept of bills of exchange on London; by which some lost a half, some three quarters of a year's interest on their dividends, while the bank of England gained in proportion upon a sum of upwards of three hundred thousand pounds.\* All the money being called in at the same time, although the recoinage issues appear to have been very expeditiously managed, yet, from the quantity of specie in circulation, the whole could not be overtaken till considerable inconvenience had added this as another to the list of evils originating from the union.† Uniformity in weights and measures was re-

\* *Annals of Commerce*, 1707. *De Foe's Hist.* 592. *The Equivalent* cleared up, Ed. 1707.

† Ruddiman, in his preface to *Anderson's Diplomata*, states the amount brought to the mint at four hundred and eleven thousand, one hundred and seventeen pounds sterling; but as the English money passed in Scotland at an advance of 1d. per shilling before the union, and all that was brought to the bank was re-issued at par, government making good the loss, it is probable that a considerable quantity might be brought from England for the purpose of obtaining this gain: he conjectures that nearly as much more might be boarded up by the whimsical, disaffected, and timorous, who were strongly prepossessed against the union, and expected a speedy rupture, besides what was retained by silversmiths for plate: so that he thinks the gold and silver cur-

peatedly tried, but at last was bequeathed over in despair to future generations.

The supercilious haughtiness with which the stipulations of the union were carried into effect, portended the decline of whig influence in the cabinet, and cooled the zeal of those who had been friendly to the measure in Scotland, but now began to suspect they had been over sanguine in their anticipations. The jacobites rejoiced in the fulfilment of their predictions, and publicly celebrated the pretender's birth-day in Edinburgh and throughout the country; and construed the silent apathy with which their proceedings were regarded by the presbyterians, into marks of approbation, and every expression of discontent at the union, into wishes for the restoration of their king.

Placed in very delicate circumstances, the general assembly was managed with consummate address by their political leaders. Since the compromise with the state respecting her intrinsic power, all her civil matters had been referred to the commission, while, at their annual meetings, their attention had been directed to objects entirely ecclesiastical; but the same motions for planting kirks in the highlands, erecting libraries, and superintending education, renewed year by year, announce the little success that had attended their laudable attempts at enlightening the barbarous and distant districts and islands. Living as they did in such close connexion with their people, it was impossible but that the same suspicions should be excited among them as among their flocks, and a number of them partook of their strongest prejudices; but these were allowed to evaporate in the commission, and the union was carefully avoided in the assembly. The queen, in alluding to the subject, in her communication to that which met, April 1607, did it in the gentlest manner. "Their calm management in former assem-

reny in the kingdom could not be less than nine hundred thousand pounds sterling. De Foe states that two hundred thousand pounds in silver was issued shortly after the arrival of the Equivalent: but the jacobites and discontented hoarded it as much as possible to embarrass the government. *Annals of Commerce*, v. ii. p. 737. De Foe, p. 597.

blies," she said, "gave her full confidence that they would continue to use the same moderation, good conduct, and unanimity in the ensuing;" "and we doubt not," added her majesty, "but the particular care we have taken that the doctrine, worship, discipline, and government of your church should have as firm a security as human laws can establish, shall have all suitable returns of duty and thankfulness from you." The letter concluded with renewed assurances of her royal protection in the free enjoyment of all the rights and privileges that by law they were possessed of. In their answer the assembly were equally guarded. "Next to the divine approbation," returned the venerable fathers, "nothing can be more dear to us than your majesty's satisfaction with all our meetings and proceedings. The particular care your majesty hath taken for the security of the doctrine, worship, discipline, and government of this church, we do acknowledge, with all thankfulness to God and your majesty, and shall endeavour, both for ourselves and all under our charge, that your majesty may have all suitable returns of loyalty and obedience that become good and affectionate subjects. The constant renewed assurances that your majesty is pleased to give of your protection in the free enjoyment of all the rights and privileges that by law we are possessed of, are to us most acceptable, and lay us under all the obligations of duty and gratitude to your majesty whereof we are capable."

Their prudent moderation was not acceptable to the people, while it exposed them to the sneering reproaches of the jacobites, who upbraided them with roaring against the wicked union, till they had got their own kirk secured, when their anathemas were turned to blessings; and not a few of their own body wept over their lukewarmness. Their leaders contrived however to occupy their attention fully on other matters; on acts for suppressing popery, and preventing the growth thereof, against all innovation in the worship, and in the measures for planting schools in every parish, and for civilizing the highlands and islands. In this last praiseworthy labour, they instituted nineteen presbyterial, and fifty-eight parochial libraries. They were likewise engaged with the scripture songs; a considerable portion of

their time too was spent in examining and approving the form of process in the judicatories of the church of Scotland with relation to scandals and censures, which contains a number of excellent regulations, although the particularity of their instructions, with regard to that species of delinquency which then, and for long after, was the chief object of church discipline, has in later times furnished subjects of unhallowed mirth to those whose legal duties have brought them in contact with it;\* nor do the inquisitorial methods there prescribed, for ascertaining the existence of a suspected crime, accord either with the perhaps affected modesty, or the more indulgent practice of our day.—The public records of the church are silent respecting them, yet the causes were in operation which were to lead to the grand separation that took place some years after; and a system of forcing a scrupulous minority to obey the decisions of the church judicatories, without regard to the milder methods of reasoning and persuasion, which commenced about this time, was laying the train for the future explosion.

Restrained by no motives of temporal advantage, the society-men did not hesitate openly to avow their aversion at the incorporating union. From the time when they were deserted by Messrs. Shields, Linning, and Boyd, they had continued to meet in the same manner as they did during the period of the persecution, when deprived of ministers they could acknowledge; and, although it may be disputable how far they acted with propriety in remaining separate and standing out against the revolution church, it is impossible not to reverence their conscientious scruples; that these descended to a minuteness that sometimes exposed them to ridicule, must I apprehend, be in a great measure attributed to the influence which Mr. Hamilton, who had a wondrous talent for creating dissension, possessed with them till his death.†

\* Arnot's History of Edinburgh, and Criminal Trials.

† Mr. Hamilton, after Bothwell-bridge, went to the Continent. He travelled through Holland, Switzerland, and the low countries. Minds expand by travel, but his seems to have contracted; and in lands which could have no



Previously or about that time, they seem to have divided, and a party in the south adhered to Hepburn, but upon what terms they accepted his ministrations it is hard to guess; as, according to the libel of the general assembly that deposed him, for fifteen years he had not dispensed the sacrament of the Lord's Supper, not having been able during that time to find in Scotland as many christians of one mind as would surround the sacred table. Those who remained associated together in their general meetings, in 1706 gave an unanimous call to the Rev. John Macmillan, who had been deposed by the presbytery of Kirkcudbright for holding principles consonant with their own; and he accepted of the pastoral charge over them, upon the ground of maintaining and bearing testimony for the purity of the great reformation between the years 1638 and 1640; and upon similar grounds have they maintained their testimony to this day. That some of the baser sort among them might so far forget their principles, as to shake hands with the jacobites is not impossible; but, as a body, they uniformly detested the least approach to the unnatural conjunction.\*

Happily the court of Versailles did not understand the real state of Scotland; and at a time when a bold instantaneous invasion must have involved Britain in a fierce and bloody internal warfare—whatever the issue might have been

earthly connexion with either national or solemn league, he in his correspondence is wonderfully amazed that they are "cold in the cause of covenanted reformation." But whatever may be thought of his judgment, there can be only one opinion of his integrity, when it is known that he both refused to assume the title of his brother, or to enter heir to a good estate, because they were connected with oaths that he could not conscientiously subscribe. His friends, however, always gave him the knightly appendage; and I find in the MS. minutes of the Societies, date Crawford-john, Oct. 13, 1703, the following entry, "That John Robson, Francis Frizzel, William Swanston, Francis Graham, and John Mack, with the clerk of the general meeting go to Borrowstounness, and converse with our friends and society there, in order to review and count with Mr. James Kid concerning sir Robert Hamilton's funeral, likewise to review and take up what books and papers sir Robert Hamilton left for the use of the general meeting."

\* Minutes of the General Assembly, MS. Minutes of the General Meetings, MS. Short Account of the old Presbyterian Dissenters, published by authority of the reformed presbytery;—1806.

—they again despatched colonel Hooke upon a secret embassy. His instructions were “to be certain of making a diversion in Scotland, which will embarrass the English, and oblige them to bring back a considerable body of troops to England.” “The Scottish nobility,” it is added, “must be in a condition to assemble twenty-five or thirty thousand men, and to clothe, arm, equip, and maintain them during the campaign, that is at least two months, to commence in the beginning of May ;” and presuming that the indignation of these nobles would lead them at once to take the field, M. de Chamillart, the French minister, urged upon him the necessity of procuring from them a written obligation, while he was carefully to beware of committing the French king. “The favourable dispositions of the nobility,” say these disinterested friends, “leave no room to doubt but they will make their utmost efforts to withdraw themselves from the yoke which the English nation intends to impose upon them ;” but “before a revolution which should end in the restoration of the lawful sovereign is begun, it is necessary to enter into a particular detail of the forces and means which the Scots can employ to accomplish it, and of the succours which they may promise themselves from the protection of the king, who is no less interested in the success of this enterprize than his Britannic majesty. It is for these considerations that his majesty hath judged it proper, before he makes any positive promise to the Scots, to send over Mr. Hooke, in order to acquire upon the spot a perfect knowledge of the state of things, to form a well-digested plan with the nobility, to render it to writing, and to get it signed by the principal men of the country, giving them assurances of his majesty’s main desire, and his dispositions to send them the succours which may be necessary for them ; and his majesty recommends in a very particular manner to Mr. Hooke, not to engage him in expenses which those he is obliged to lay out elsewhere will not allow him to support, nor to give them any room to hope for more than he can furnish.”

These instructions fully evince the narrow and interested politics of Louis, similar to what always had been

the ruling principle of France in all their alliances with Scotland. The following notandum shows the writer's ignorance of what was the main prop and stay of the house of Stuart;—the peculiar construction of highland society at the time. "They must not persuade themselves," continues M. de C., "that the mere good will of the nobility, and the blind obedience of their vassals in doing whatever they choose, are sufficient to oblige them to remain too long from home when they are furnished only with bread; they must have meat and spirits, or at least vegetables, with some other drink than water, the use of which is not common in the country."

As colonel Hooke's negotiations were chiefly in the north, and as all the attempts to restore the forfeited family owed their every probability of success to the Scottish highlanders, it will be necessary to give a short view of the manners, customs, and power of the clans, while they remained a distinct unmixed race—before their institutions were broken down, and their habits and character altered by the innovations of modern times, by the abrogation of the patriarchal government, and the introduction of extensive sheep walks—in order to trace distinctly the origin of that facility with which two rebellions were raised in Scotland in favour of pretenders to the throne, to whose pretensions an immense majority of the nation were decidedly adverse; as well as to account for the ephemeral good fortune that attended them.

The dark bold blue rampart of the Grampians forms the grand separating line between the two nations inhabiting the high and the low lands of Scotland, commencing north of the river Don, and terminating in the south-west at Ardmore, in the county of Dumbarton. But the space which the Gaelic population occupied within the mountains, according to colonel Stuart, includes the counties of Sutherland, Caithness, Ross, Inverness, Cromarty, Nairne, Argyle, Bute, the Hebrides, and part of the counties of Moray, Banff, Stirling, Perth, Dumbarton, Aberdeen, and Angus; and may be defined by a line drawn from the western

opening of the Pentland firth, passing round St. Kilda, so as to include the whole cluster of islands to the east and south, so far as Arran; then stretching to the mull of Kintyre, and entering the main land, surrounding the southern verge of the range, till it again reach our starting point in Aberdeenshire.

Of this region the general aspect is wild, rugged, and desolate; deeply indented by bays and arms of the sea, and intersected by lakes lodged in the recesses of the hills, rivers flowing through the straths they themselves have formed, or streams that give verdure to some small sequestered glens. The summits of the high hills are bleak and cheerless, and distinguished by the epithet of grey or black, as the moss or the rock happens to predominate; while in the space between, large tracts of moorish ground are only distinguished by more level barrenness. Nor is the climate more benign than the soil; rain, hail, and tempest, are the varieties of their winter weather, which frequently usurps their spring, and encroaches upon their autumn.

Agriculture was then but little known; some straggling patches of land in the vallies or on the sea-coast yielded in favourable years a meagre crop of stunted oats and barley, beyond the cultivation of which their farming operations do not appear to have extended; but the chief subsistence of the inhabitants was the produce of the chase or the mountain pasture. Their flocks of sheep were not numerous, consisting of the small black-faced breed, more valuable for their carcases than their fleece; their staple was their herds of black cattle, the tending of which formed their chief employment when not engaged in war or depredation. There were few towns in the districts, and the villages consisted of a few houses rudely constructed of sods or loose stones, and covered with turf or heath, scattered in the glens, where they spent the winter. In summer they repaired to the hills with their cattle, where they erected temporary huts in the sheelings, or spots of pasture, removing from one sheeling to another as the grass failed. Educated in such circumstances, they were neces-

sarily temperate, robust, and brave. Excepting the produce of fishing or the field—for rivers and moors were free to all ranks—the food of the common people consisted chiefly of milk and cheese, and their usual beverage water or whey; their bed was the heath, and their only covering a plaid, nor did their superiors, except upon festal occasions, or in the halls of their chiefs, disdain to practise equal abstemiousness and hardihood.

Separated by language and situation from the rest of mankind, the natural divisions of the country separated them into small societies among themselves, who, possessing each within their own circle the necessaries for supplying their limited wants, ranged under the most powerful or most respected of the kindred; thus associated together they yielded to him implicit obedience as the patriarchal head of their community, or, as he was usually termed, the chief of the clan. This bond of attachment was strengthened by the body of the people inheriting or assuming the same name; and the kindliness of relationship produced a mutual attachment, which no other form of society has ever yet called into action.

Devotion to their chief was the first duty of an highlander; and there are not wanting well attested facts of the follower's having interposed his body, and received the fatal arrow intended for his lord.\* He was landlord, captain,

\* Of their devotion to their chief I shall only give one instance. The late James Menzies of Caldares having engaged in the rebellion of 1715, had been taken at Preston in Lancashire, was carried to London, where he was tried and condemned, but afterwards reprieved. Grateful for the clemency he remained at home in 1745, but retaining a predilection for the old cause, he sent a handsome charger as a present to prince Charles when advancing through England. The servant who led and delivered the horse was taken prisoner and carried to Carlisle, where he was tried and condemned. To extort a discovery of the person who had sent the horse, threats of immediate execution in case of refusal, and offers of pardon on his giving information, were held out ineffectually to the faithful messenger. "He knew," he said, "what the consequence of a disclosure would be to his master, and his own life was nothing in comparison." When brought out for execution he was again pressed to inform on his master. He asked "if they were serious in supposing him such a villain? If he did what they desired, and forgot his master and his trust,

and judge ; his castle was the centre and the scene of the martial and manly exercises of his tribe ; they were companions in the sports or the dangers of the field ; and the principal youth of the clan were welcomed to his table, and trained with his children. But while these connexions of kindness and consanguinity knit the clanship more closely together among themselves, they rendered them more keenly alive to any affront or injury offered to any of the name ; and as the voice of the law was distant, feeble, and seldom heard, or when heard little attended to,\* redress or revenge was the office of the chief and of the clan, who shared in the quarrel and vindicated the cause of the kindred ; and not unfrequently the most deadly feuds arose from the private resentments of individuals. But the power of the chief, as it was founded on consanguinity, and not on feudal superiority which was connected with land, was not destroyed, when his estates were transferred to another, or even when they were forfeited.† His influence was ramified to a dis-

he could not return to his native country, for Glenlyon would be no home or country to him, as he would be despised and hunted out of the Glen." Accordingly he kept steady to his trust, and was executed. His name was John Macnaughton from Glenlyon, in Perthshire.—Sketches, v. i. p. 54. I cannot help, however, remarking on this anecdote, that if it shows the devotion of the vassal, it shows also either the stupidity or the leniency, of the government ; for having got the man's name and the place where he lived, and the fact that his master had sent the horse, I think they might easily have traced out Mr. Menzies if they had so chosen.

\* We complain, even now, and not without reason, of the law's delay ; many after being ruined themselves have left their law-suits as legacies, bequeathing the curse to their next generation ; but I query whether any of the pleas upon record can match that of Lochiel and Macintosh, who were at law and at war, as Mr. Home informs us, for upwards of three centuries and a-half!—Introduction to the History of the Rebellion.

† Remarkable instances of this occur in the case of the duke of Gordon. President Forbes, in his memorial to government, giving an account of the clans, says " the Gordons is no clan family, although the duke is chief of a very powerful name in the lowlands. He has a great posse of cavalry and gentlemen on horseback at Enzie and Strathbogie, but he is only placed here on account of his highland followers in Strathaven and Glenlivet, which are about 300 men ; his extensive jurisdictions and superiorities in the centre highlands, viz. Badenoch, Lochaber, and Strathspey, do not yield him any followers. The tenants on his own property, as well as those who hold their lands of

tance through the chieftains, who considering themselves branches of the same family of which the chief was the stem, augmented his power while they seemed to subdivide it; these were proprietors of smaller estates, which they held either immediately from their own chief, or from some other powerful superior. Thus each clan consisted of several tribes, of which the chief was the supreme, the chieftains the subordinate rulers.

All being trained to arms, and impatient of injury, unless when directed against some common enemy, their restless spirits were seldom at peace among themselves; and the districts of the lowlands next to them were either tributary, paying what was called black-mail for their forbearance, or subject to their predatory incursions. Their martial habits were by these means kept alive, while the comparative tranquillity the lowlands enjoyed after the union of the two crowns which had put an end to their wars with the English, rendered their inhabitants less expert in military exercises. "The spirit of opposition and rivalry between the clans," says a late writer well acquainted with the subject, "perpetuated a system of hostility, encouraged the cultivation of the military at the expense of the social virtues, and perverted their ideas both of law and morality. Revenge was accounted a duty, the destruction of a neighbour a meritorious exploit, and rapine an honourable occupation. Their love of distinction, and a conscious reliance on their own courage when under the direction of these perverted notions, only tended to make their feuds more implacable, their condition more agitated, and their depredations more rapacious and desolating. But their inroads were more frequently directed to the lowlands, where the booty was richest, and where less vigilance was exercised in protecting it; regarding every lowlander as an alien, and

him in feu, follow their natural born chief of whom they are descended, and pay no regard to the master or superior of their lands. Thus the Camerons follow Lochiel, the Macphersons follow Clunie, and other chiefs are followed and obeyed in the same manner from respect, family attachment and consanguinity."

his cattle a fair spoil of war, they considered no law for his protection as binding; and if overtaken in their depredations, the plunderers were generally prepared for resistance, and for ennobling an act of robbery by the intrepidity of their defence. The lowlanders, on the other hand, regarded their neighbours at the mountains as a lawless banditti, whom it was dangerous to pursue to their fastnesses in order to recover their property or to punish aggressions."

Besides the authorised spoilers, there was a peculiar class, styled *Kearnachs*, who were a select band employed in all enterprises where uncommon danger was to be encountered, or more than common honour to be acquired.\* The clans inhabiting the counties of Perth, Stirling,

\* In times later than that to which the above description refers, the *Kearnachs* descended to less exalted services, or, as the author to whom I am indebted for my account expresses it, "their employments were less laudable, and consisted in levying contributions on their lowland neighbours, or in making them pay tribute, or *black-mail*, for protection." Of this character he has given some interesting examples; and, as history has often descended to chronicle robbers of higher rank, who did not possess the generosity either of serjeant Mor or Rob Roy, I cannot refuse myself the pleasure of copying two anecdotes, the first of which I used when a child to admire. "John Du Cameron, or serjeant Mor, as he was called from his large size, had been a serjeant in the French service, and came over to Scotland in the year 1746. Having no settled abode, and dreading the consequences of having served in the army of France, and of being afterwards engaged in the rebellion, he formed a party of outlaws, and took up his residence among the mountains, between the counties of Perth, Inverness, and Argyle. While he plundered the cattle of those whom he called his enemies, he protected the property of his friends, and frequently made people on the borders of the lowlands purchase his forbearance, by the payment of black-mail. On one occasion he met with an officer of the garrison of Fort-William, on the mountains of Lochaber. The officer told him he suspected he had lost his way, and having a large sum of money for the garrison, was afraid of meeting the serjeant Mor; he therefore requested that the stranger would accompany him on his road. The other agreed; and while they walked on they talked much of the serjeant and his feats, the officer using much freedom with his name, calling him robber, murderer. 'Stop there,' interrupted his companion, 'he does indeed take the cattle of the whigs and sassanachs; but neither he nor his *Kearnachs* ever shed innocent blood, except once,' added he, 'that I was unfortunate at Braemar, when a man was killed; but I immediately ordered the *creach* [the spoil] to be abandoned and left to the owners, retreating as fast as we could after such a misfortune.' 'You,' says the officer,



and Dumbarton, had not only frequent encounters with their southern neighbours, but likewise with the marauders from Lochaber, Badenoch, and the north, whom they sometimes attacked, when returning laden with spoil from their

‘what had you to do with the affair?’ ‘I am John Du Camerou—I am the serjeant Mor; there is the road to Inverlochy—you cannot now mistake it. You and your money are safe. Tell your governor to send in future a more wary messenger for his gold; tell him also, that though an outlaw, and forced to live on the public, I am a soldier as well as himself, and would despise taking his gold from a defenceless man who confided in me.’” I know not if the feeling be correct, but I never could hear the sequel of this man’s story without regret. He was betrayed by a treacherous associate, and executed at Perth, on the 23d November, 1753. App. to General Stewart’s Sketches, b. i. pp. 24, 25. “Robert Macgregor Campbell, better known as Rob Roy, at the period to which the above sketch refers, was a substantial highland drover; but in consequence of the union, a large speculation in black cattle, in which he and the duke of Montrose were partners, having failed, the duke would not agree to be a sharer in the loss, and Macgregor refusing to settle accounts on any other principle, kept the whole, which he spent in the interest of the pretender, 1715, and Montrose then got possession of Craigrostone [Rob Roy’s lands] on account of his bond. This rendered Macgregor desperate. Determined that his grace should not enjoy his lands with impunity, he collected a band of about twenty followers, declared open war against him, and gave up his old course of regular droving, declaring that the estate of Montrose should in future supply him with cattle. He kept his word, and for nearly thirty years, that is, till the day of his death, levied regular contributions on the duke and his tenants, not by nightly depredations and robberies, but in broad day, and in a systematic manner; at an appointed time making a complete sweep of all the cattle of the district; always passing over those not belonging to the duke’s estate, as well as the estates of his friends and adherents. And having previously given notice where he was to be by a certain day with his cattle, he was met there by people from all parts of the country, to whom he sold them publicly. These meetings or trysts were held in different parts of the country; sometimes the cattle were driven south, but oftener to the north and west, where the influence of his friend the duke of Argyle protected him. When the cattle were in this manner driven away, the tenants paid no rent, so that the duke was the ultimate sufferer. But he was made to suffer in every way. The rents of the lower or cultivated farms were paid partly in grain and meal, which was generally lodged in a storehouse, called a girmel, near the loch of Monteith. When Macgregor required a supply of meal, he sent notice to a certain number of the duke’s tenants to meet him at the girmel on a certain day, with their horses to carry home his meal. They met accordingly, when he ordered the horses to be loaded, and giving a regular receipt to his grace’s storekeeper for the quantity taken, he marched away, always entertaining the people very hand-

predatory expeditions. The clan Farquharson, and the highlanders of Braemar, were placed in similar circumstances with regard to the lowlands of the counties of Banff, Aberdeen, and Kincardine, and the Atholmen again, were as advantageously situated for those of Perth, Stirling, and Angus; the borderers thus kept in constant activity were always prepared to turn out when their services were wanted,

somely, and careful never to take the meal till it had been lodged in the duke's storehouse in payment of rent. When the money rents were paid, Macgregor frequently attended. On one occasion, when Mr. Graham of Killearn [the factor] had collected the tenants to receive their rents, all Rob Roy's men happened to be absent, except Alexander Stewart, 'the bailie'—a name given him because before him people were sworn when it was necessary to bind them to secrecy. With this single attendant he descended to Chapellairoch, where the factor and the tenants were assembled. He reached the house after it was dark, and looking in at a window saw Killearn, surrounded by a number of the tenants, with a bag full of money which he had received, and was in the act of depositing in a press or cupboard; at the same time saying, he would cheerfully give all the bag for Rob Roy's head. This ratification was not lost on the outside visitor, who instantly gave orders in a loud voice to place two men at each window, two at each corner, and four at each of two doors, thus appearing to have twenty men. Immediately the doot opened, and he walked in with his attendant close behind, each armed with a sword in his right, and a pistol in his left hand, and with dirks and pistols slung on their belts. The company started up; but he requested them to sit down, as his business was only with Killearn, whom he ordered to hand down the bag, and put it on the table. When this was done, he ordered the money to be counted, and proper receipts to be drawn out, certifying that he had received the money from the duke of Montrose's agent as the duke's property, the tenants having paid their rents, so that no after demand could be made against them on account of this transaction; and finding that some of the people had not obtained receipts, he desired the factor to grant them immediately, 'to show his grace,' said he, 'that it is from him I take the money, and not from these honest men who have paid him.' After the whole was concluded, he ordered supper, saying, that, as he had got the purse, it was proper he should pay the bill; and after they had drunk heartily for several hours, he called for his 'baillie' to produce his dirk, and lay it naked on the table. Killearn was then sworn that he would not move from the spot for an hour after the departure of Macgregor, who thus cautioned him, 'If you break your oath, you know what you are to expect in the next world, and in this'—pointing to his dirk. He then walked away, and was beyond pursuit before the hour expired." Stewart's Sketches, Append. 21. Rob Roy died peaceably in his bed when nearly eighty years of age.

and ready at the call when any adventurer could prevail upon their chiefs to follow his standard.

With the religious disputes of their neighbours they were unacquainted, and what little semblance of christianity was among them, and which had been ingrafted on or superseded their ancient superstition, was either Romish or episcopalian. But the victories of Montrose had been the theme of admiration in the north and the east, and from Blair to Badenoch, they had shared in the glory and the spoil. The attachment which this created or confirmed for the cause of the Stuarts was strengthened by the policy of Charles II. who sent back a host collected from the same quarters, if not covered with laurel at least laden with plunder; and James had, by every mark of attention and regard, endeavoured to attach to himself the most powerful of the chiefs.\* The transient flash of Dundee, who blazed and expired, awakened all the sympathies of the highlanders, who, never having been exposed to the suffering and wretchedness their fellow-subjects had experienced from the tyranny of the deposed despot, had been taught to think of him only as an unfortunate monarch, whose rebellious subjects had first murdered a martyr father, and then dethroned his holy son.

Part even of an educated public, the descendants of presbyterians, a few years after, forgot in their misfortunes, the crimes of the forfaulted delinquents; but among the clans, where they had never been heard of but through the songs of their bards, or the tales of their senachies, as the last of a long line of kings, as the chief of their chiefs, whose ancestors had led their forefathers to victory and

\* In his instructions to his son, he inculcates the same mode of proceeding in him; "the body of the nobility and gentry," he says, "are all loyal, and the generality of the commons benorth the forth, and all the highlanders except the Campbells. Be kind to the highlanders, especially those who have always stuck to the crown, let their chief dependence be on the crown, without doing wrong to such of the nobility as have interest in these parts, as the true interest of the crown is to keep that kingdom separate from England." Mem. v. ii. p. 635.

conquest, there was a universal feeling in favour of the exiled family; which was greatly strengthened by the neglect of the succeeding government, who, occupied in other and more personal intrigues, never appear properly to have appreciated the value of the highland population, till their last unexpected irruption rendered them terrible as they had been unheeded. The number of young able-bodied men, whom the various clans could raise with facility, was estimated at nearly 32,000.\* They mustered according to their clans, and the same order of rank was observed in the day of battle as in their other arrangements; the chief was supported by his nearest relations, and the private men also were marshalled by their degrees of kindred.† With the political parties of the country the highlanders were as little acquainted as with the religious; whatever side they were to range upon was a matter not of reasoning but of feeling, and these feelings were generally regulated by the conduct of their chief; their mountain barriers were not more impenetrable to his alien enemy than to information that he considered hostile to his interest.

In closing these remarks I must observe, that a line of distinction should be drawn between the higher and lower grade of population in the highlands as elsewhere; they were not, by any moral miracle, exempted from the usual lot of humanity, nor are we to judge of the whole from a few noble instances preserved of elevated sentiment and distinguished generosity among the lowest. The care-

\* About the year 1740, some low-country gentlemen on a visit to the highlands, being hospitably entertained by one of the chiefs, used the liberty to ask him "what might be the rent of his estate?" I can raise five hundred men, was the reply of one of the Macdonalds. Argyle and his dependants were almost the only highlanders who were attached to the cause of the covenants and remained true to revolution principles, and staunch to the protestant succession, as stated in the lord president's memorial.

† Letters from a gentleman in the north of Scotland, Letter xix. *Introd. to Hume's Hist. of the Rebellion.* *Introd. to Stewart's Sketches.* *Cullo-den Papers.* *Stuart Papers.* *Macpherson's State Papers.* *Johnson's Tour.* *Boswell's Tour.*

ful preservation of these anecdotes, and the enthusiasm with which they are repeated, prove the contrary—that they were exceptions from the general practice, not the everyday conduct of the population, that they were examples for imitation, not specimens taken at random from the general mass. And, to account for their loyalty, it must not be forgotten that their innate love of plunder—the certain and sure mark of a semi-barbarous people—had always been gratified on the jacobite side; nor could any principle of loyalty or devotion to their chief, retain them together in opposition to this passion. In Montrose's wars, whenever they had accumulated a quantity of spoil, they deserted the standard of their king and the ranks of their leader, and returned to their mountains to deposit their plunder. It was the same under Dundee; and the same disposition lost them all the fruits of Killiecrankie.

It ought therefore to have been the primary, as it was the natural policy bequeathed to the pretender, to have embarked without waiting for the tardy and ungracious succours of France, to have thrown himself, in his desperate circumstances, at once into the arms of our high-spirited and too generous race of mountain chiefs;—several of whom had urgently entreated him to pass over into Scotland, if only with as many followers as were sufficient to protect him against the civil power of his enemies till they could join him with their vassals;—and when he called upon them to risk all that was dear in his service, to have shown that he possessed at least one quality which mountaineers have ever prized; but courage was none of the hereditary virtues of his house. Along with Hooke he sent a declaration of war, together with an assurance, “that as soon as they should appear in arms, and have declared for us, we design to come in person to their assistance with the succours promised us by the most christian king, which cannot be obtained till they have given the evidence of their dispositions.” The declaration confirmed the assurance, and ran thus: “James the Eighth, by the grace of God, king of Scotland, &c. &c.

to all our loving subjects of our ancient kingdom of Scotland, greeting,—Whereas we are firmly resolved to repair to our said kingdom, and there to assert and vindicate our undoubted right, and to deliver all our good subjects from the oppression and tyranny they have groaned under for above these eighteen years past, and to protect and maintain them in their independency, and all their just privileges which they so happily enjoyed under our royal ancestors, as soon as they have declared for us ; we do, therefore, hereby empower, authorize, and require, all our loving subjects to declare for us, and to assemble in arms, and to join the person whom we have appointed to be captain general of our forces when required by him, and to obey him, and all others under his command, in every thing relating to our services ; to seize the government and all forts and castles, and use all acts of hostility against those who shall traitorously presume to oppose our authority, and to lay hold and make use of what is necessary for the arming, mounting, and subsisting our forces, and obstructing the designs of our enemies.”

Nothing could have been better calculated than this declaration to depress the spirits of James’s adherents, and deter all but determined jacobites from aiding in the restoration of a prince who gave no pledge for the security of either religion or liberty. But the intrigues at St. Germain—*that satire upon courts*—were not less violent or active than if the inheritor of the empty title had possessed the entire power of the British crown. Middleton and the ex-queen formed one party, who were in communication with the duke of Hamilton ; the earl of Perth and the pretender corresponded with the duke of Athol ;\* neither of them were, however, adequate for the prompt and decisive measures requisite in the urgency of the case ; and as they perceived that France had no serious intention of favouring their

\* Lockhart’s Papers, v. i. p. 229. v. ii. p. 75.

cause, they, in despair of themselves, dissuaded their friends from any exertion.\*

When Hooke arrived in Scotland in the latter end of March 1707, the favourable moment had elapsed. The treaty for the union had been concluded; and the parties were in a state of such mutual exasperation against each other, that it is doubtful whether even a formidable French force would have been able to effect any thing of importance. As upon the former occasion, the emissary attached himself to one section of the jacobites. He landed at Slaines castle, a seat of the earl of Errol's on the coast of Buchan, whither the countess dowager, a sister of the earl of Perth, had come expecting him. From her he received an account of the state of Scotland, in the highest degree flattering to the views of the pretender, and letters from the high constable, expressing great impatience to see him, and adding, that all the well-affected would exert themselves to the utmost on this occasion as their last resource, being persuaded that at the worst they would obtain better conditions sword in hand than those of the union. The duke of Hamilton too had forwarded despatches, but with more discretion. He declined communicating with the spy otherwise than personally, and expressed his opinion that nothing could be done without the presence of the king.

Errol continued in habits of intimacy with Hamilton, yet he suspected his connexion with the court; and his mother communicating these suspicions to Hooke, the latter immediately sent off an express for his advice, and a note to Hall, a priest, the duke's agent, informing him that he would do himself the honour of waiting upon his grace without delay. Hamilton prudently fell sick, and could not accept the proffered visit. The high constable came north, though he also wisely was on the reserve with the colonel; he produced three letters—one from Innes, almoner to the ex-queen, desiring "the friends of the pretender-king to follow the di-

\* Stuart Papers. M'Pherson, vol. ii. 1707.

rections of the duke of Hamilton, and not declare themselves till he had declared himself, when they might do it without danger"—unwittingly an excellent and a safe advice; another from Stair, secretary to lord Middleton, informing a friend in Edinburgh of Hooke's mission, which he assured him was only a feint, and that the French king would do nothing for the Scots; and a third, which mentioned that the friends of the exiles "had nothing to hope, and were greatly to be pitied."

Without appearing disconcerted when these damning proofs of his perfidy were produced, Hooke, who was prepared for accidents, handed the high constable a letter from the French king, and another from the pretender, along with his credentials, with which his lordship seemed satisfied, and said he would consult his friends respecting a treaty. Hooke, however, whose powers did not authorize him to treat in the usual acceptation of the word, by entering into any reciprocal engagement, assented, but with an intention of coming to no conclusion. He had opened up a communication with the duke of Athol, and intended to play the one off against the other; but, true to his adopted country, to regulate his conduct by the disposition of the people, without much regard to the interest of the pretender. "I knew," says he, in his narrative to the French minister of war, "that the bulk of the nation was for the king of England; but I was still ignorant of the intentions of the presbyterians and of the west country people. I knew that these last were better armed than the rest, and I kept myself always ready to join with that party which they should espouse, as they would not stand in need of so many supplies, and are not so divided into different factions as the rest, and therefore it would be more easy to put them in motion at a small expense."

The villanous duplicity of this agent was counteracted by his ignorance and presumption; and it is highly amusing to observe how admirably he was matched by Kerr of Kersland, whom he styles the most leading man among



the presbyterians, and chief of one of the most considerable.\* This gentleman assured him, “that the presbyterians are resolved not to agree to the union, because it hurt their consciences, and because they are persuaded that it will bring an infinite number of calamities upon this nation, and will render the Scots slaves to the English. They are ready to declare unanimously for king James, and only beg his majesty that he will never consent to the union, and that he will secure and protect the protestant religion. The declaration, with regard to religion, ought to be in general terms. Those among the presbyterians, who are called Cameronians, will raise five thousand men of the best soldiers in the kingdom ! and the other presbyterians will assemble eight thousand more. They beg that the king of England would give them officers, especially general officers, and send them powder, for they have arms already. Whenever his Britannic majesty shall have granted the preceding demands, and shall have promised to follow his supplies in person to Scotland, they will take arms against the government, and will give such other assurances of their fidelity as shall be desired. Provided powder be sent them, they engage to defend their own country with their own forces alone, against all the strength of England for a year, till the arrival of the king ;”—and as a crowning sheaf to the rick, he added, “they are ready to join themselves to the friends of the king of England, whether catholics or episcopals !”

In this contest of roguery, the conduct of Hamilton also was exquisite. When Hooke, who conceived that Hamilton aimed at the crown for himself, thought he had secured Errol, whom he imagined entirely devoted to the pretender, he sent a message to the duke, telling him that he had orders to address himself principally to his grace, who

\* Kerr's original name was Crawford, but he married the heiress of Kersland, whose father had been forfeited for the rising at Pentland, and he thus gained admission among the presbyterians, which he made use of, to excite them to some extravagancies, in order to deceive the jacobites, and then betrayed both to government. As an example to his tribe, he was left to die in jail at the age of 58.

he knew was the soul of the whole affair, and therefore desired that he would point out a way by which he might see him in safety; that he had hitherto entered into no measures with any one, nor would till he had his answer; that it was now in his power to cover himself with immortal honour, and to render himself greater than any of his ancestors; that he would remove all difficulties, and show him easy expedients that he did not think of; that if he neglected this occasion, it would never return; that he would ruin not only his country, but himself, the English having been too-much irritated by him not to crush him; and concluded with strong expressions of concern for his grace's indisposition, and ardent desires to be of service to him.

Hall, the priest, brought a verbal answer. He offered a thousand compliments from the duke, begged to know the propositions he had to make to him from the king, entreated that he would come to Edinburgh, and he would use his utmost endeavours to see him. Hooke thus pressed, was forced to declare that he was not entrusted with any propositions, and had only come to receive those of the Scots; but he would willingly proceed to Edinburgh, if he were assured that his journey would not be fruitless. Hall then told him, that indeed the duke of Hamilton earnestly desired to see him; but, to tell the truth, he did not believe that he could, for he was bedfast, and always surrounded by his domestics, nor did his duchess ever leave him; that he was transported to hear that the king had done him the honour to write to him, but that he had likewise expected a letter from the queen of England, and as that princess had not written to him, he concluded that the scheme was not approved of by her; and he had too much respect for her judgment to concern himself with an affair of which she did not approve; that he had suspected Hooke had no propositions to make, but he must either begin with making propositions or there could be no treaty.

The colonel, who by no means liked this coming to close quarters, replied, he would not allow himself to be so easily blinded by such weak shifts. The duke had been a long time soliciting succours, and he was disposed to pro-

mise his grace whatever supplies he wanted ; it was his part, therefore, to make proposals, and after he had fully weighed them, he would do his utmost to satisfy him, as he had full authority to promise every thing which he thought necessary, and would not hesitate in agreeing to whatever was reasonable,—Mr. Hall answered, that the duke had charged him to learn what support the French king would give to the Scots. Hooke told him it was not yet time to talk of succours ; that it was proper first to know perfectly the forces which the well-affected could raise, and the means they had to support them ; but, in the meanwhile, he would inform him, that although the king had a great desire to befriend the Scots, and was willing to assist them to make war, he was by no means disposed to make war for them. Hall then asked if the king would grant ten thousand men ? “ No ! nor do I believe the Scots will be so unreasonable as to ask them,” said Hooke. “ That, however,” returned Hall, “ is the least the duke of Hamilton believes can be asked.” “ You may tell the duke of Hamilton,” rejoined the emissary haughtily, “ that it is not usual to behave thus to a great king ; I would advise him not to ask the half, and perhaps, after examining every thing, it may be found that the Scots have no need of foreign troops, but,” livening his tone, he added, “ you may tell the duke of Hamilton from me, that I have something very particular to say to him, which I can mention to nobody but to himself ; and I have so much respect for him, that I shall wait yet four days before I enter into a negotiation with the other lords,” and they parted. Within the time specified, he received a letter from Mr. Hall. “ He had, found his grace the duke, he was sorry to say, in a most distressed condition, reduced to the last extremity, breathing with the utmost difficulty, having had no less than twenty-nine fits of the ague ! His grace was in despair,” he added, “ that he could not see the colonel, that he loved and esteemed him, and would willingly give his life to have some discourse with him ! He had no doubt of his friendship, and therefore begged of him to excuse his not answering the king’s letter, but intended to

do himself that honour with the first opportunity after he had recovered his strength ; that he would concur in all reasonable measures for the restoration of the king of England, but, it was his opinion, that prince ought not to risk himself without a considerable body of troops ; and he wished him a good voyage !”

Mr. Hooke, notwithstanding all these flattering compliments, having his own misgivings about the sincerity of both the duke and the priest, had recourse to a trick, which, although deservedly accounted infamous in private life, like many other villanies, is not held equally base in accredited spies—he obtained possession of some of Hall’s confidential correspondence, by which he found his doubts confirmed ; but having found mentioned in one of these that Hamilton had it in his power to place the king of England on the throne of Scotland without the assistance of France, although that prince should bring no more than a single page with him, he consoled himself for the treatment he had received by the discovery he had now made of the duke’s certain intention of seizing the throne for himself. Revolving this idea in his mind, as he perceived that the duke had lost his interest with the nobility, he very sagely concluded that earl Marischall and viscount Kilsyth adhered to Hamilton upon this occasion—and happy had it been for themselves and their posterity that they had never departed from his policy—Lockhart of Carnwath and Cochrane of Kilmaronock, also declined corresponding with the colonel, who had now assumed the post of an ambassador, and was not displeased to be addressed by the title of Excellency.\*—With the other jacobite lords he succeeded better.

Perfectly satisfied with the representation of Kersfield, which was confirmed by the duchess of Gordon, and a person of the name of Strachan, Hooke was now only anxious to conceal from the duke of Hamilton and his friends the

\* Hooke says in his narrative, “that lord Strathmore’s brother told him the laird of Carnwath had authorized him to sign in his name all that should be regulated with him.” But Lockhart tells us himself that he expressly disapproved of the whole transaction. *Memoirs.*

flattering assurances he had received from the presbyterians, and to conclude his final arrangements with his rival Athol. That nobleman, however, not choosing to appear, privately deputed his brother, lord James Murray, and lord Nairn,\* who with lord Stormont, and Lyon of Auchterhouse, lord Strathmore's brother, proposed sending for Strathmore and Kinnaird, to enter into a negotiation. Their first demand was the same as Hamilton's;—what succours they might expect from his most christian majesty?† his reply was similar; that he was authorized to promise every thing he should judge necessary, but that the succours would be regulated by their wants, which according to their own accounts, did not appear to be great. To render themselves masters of Scotland, they replied, they needed nothing but the person of the king, arms, ammunition, and money: but as they designed to penetrate to England, they would have occasion for powerful assistance.

Hooke artfully reminded them of the expedition to England in 1639, when their forefathers raised eight hundred pounds sterling a day in only three of the southern counties, which were much abler to have opposed them then than they could do now, when almost every soldier was sent to the continent. When they mentioned the probability of the troops being immediately brought from Flanders, he advised them to wait till that should happen. But said they, we have need of troops as a safeguard to the king, to give time to his friends to assemble. “Since,” replied the negotiator, dexterously retorting their own boasting, “the nation, as you have said, is to rise so universally, his majesty will be in full security whenever he shall arrive among subjects so faithful and so zealous! And a body of foreign troops, who were neither accustomed to their fare, nor understood their language, and were of a different religion, would be of more detriment than service.” To this reasoning there could be no reply, and their pride forbade their objecting to the appeal the artful emissary made to the facts of their physical strength, hardy

\* His fourth brother, lord William Murray, who had married Margaret daughter of lord Nairn, and was included in the patent 1681.

† Stuart Papers.—M'Pherson, 1639.

training and recent success, as evincing their superiority over regular troops. "Their own," he continued, "would become regulars in fifteen days, as all their men had been accustomed to the use of the gun from their infancy, and disciplined from the age of twenty-six. There was nothing terrible in the name; their natural intrepidity in standing fire rendered their recruits not inferior to veterans, and experience had shown that the best regiments of England could not stand before them :—witness the defeat of Mackay, when two thousand highlanders beat in a pitched battle six thousand picked Dutch and English troops.

Still, however, the Scottish nobles insisted that troops were necessary to enable them to make any impression in England, and remarked it was the obvious interest of the French king that such an impression should be made; as the moment an invasion took place the credit of the exchequer bills, and the subsidies of the allies, would vanish; and were the Scots to succeed, his majesty might dictate what terms he pleased. Hooke agreed that it was the French king's interest to support them, but reminded them he had other interests to support besides; that his majesty was powerful enough to bring his enemies to reason without them, but, "that they were about to be slaves if he did not take them under his protection; he was besides sufficiently alive to his own interest, and it was unseemly in them to attempt teaching him;" and according to his own account of the conversation, he had the impudence to add, "that they had adduced no sufficient reasons in support of their demand;"—but he knew he had neither the duke of Hamilton nor his priest to deal with.

This mode of reasoning not being satisfactory to the others, who insisted at least upon being aided with five thousand men, he got off with some degree of plausibility, by observing, that as five thousand men could not be embarked without some bustle on the first news of the preparations, the English would not fail to suspect some commotion, and would immediately seize the leading men in Scotland, which would entirely break all their measures, and frustrate their hopes for ever. Whether this suggestion had any weight,

or whether they suspected the real designs of Hooke, the emissary could not conjecture, but they immediately broke off the conference, and retired to consult.

After such an open disclosure of the motives of France, and after they had been told that his most christian majesty—"without whose protection they must immediately become slaves,"—would not send them any assistance, because they were perfectly able to accomplish their object themselves without it, one would naturally have supposed that the result of the Scottish conspirators' deliberations would have been, to dismiss at once a person who was empowered to grant nothing; and to break for ever with a court, who, without circumlocution, let them know plainly that it was to serve their own purposes alone that they wished to embroil the nation. But they had admitted the solicitor general of the late king James to their councils; and he, in the true spirit of a thorough-paced jacobite, advised them, "to refer themselves entirely to the king, and lay aside the design of concluding a treaty, in hopes that his majesty would judge most properly of their wants, and would be affected with so great a confidence in his goodness. With this advice, after communicating with his grace of Athol, they all agreed. A memorial was drawn up to the following effect: "We, the underwritten peers and lords, having seen the full power given by his most christian majesty to colonel Hooke, do, in our own names, and in the name of the greatest part of this nation, whose dispositions are well known to us, accept the protection and assistance of his most christian majesty, with the utmost gratitude:—and we take the liberty to lay before his said majesty, the following representation of the present state of this nation, and of the things we stand in need of:—

"The greatest part of Scotland has always been well disposed for the service of its lawful king ever since the revolution, as his most christian majesty has often been informed by some among us, but this good disposition is now become universal; the shires of the west, which used to be the most disaffected, are now very zealous for the service of their lawful king. We have desired colonel H. to inform his most

christian majesty of the motives of this happy change. To reap the benefit of so favourable a disposition, and of so happy a conjuncture, the presence of the king our sovereign will be absolutely necessary ; the people being unwilling to take arms without being sure of having him at their head. We have desired colonel Hooke to represent to his majesty the reasons of this demand. The whole nation will rise upon the arrival of their king ; he will become master of Scotland without opposition, and the present government will be entirely abolished.

“ Out of this great number of men we will draw twenty-five thousand foot, and five thousand horse and dragoons, and with this army we will march straight into England ; we and the other peers and chiefs will assemble all our men, each in his respective shire. The general rendezvous of the troops on the north of the river Tay, shall be at Perth ; those of the western shires shall assemble at Stirling, and those of the south and east at Dumfries and Dunse. Those that shall be nearest the place where the king of England shall land, shall repair to him. We have computed the number of men which will be furnished by each of the shires that we are best acquainted with ; and we have desired colonel Hooke to inform his most christian majesty thereof.

“ For the subsistence of these troops, there will be found in our granaries the harvest of two years ; so that a crown will purchase as much flour as will keep a man two months. There will be commissaries in each shire to lay up the corn in the magazines, in such places as shall be thought most proper ; and commissaries-general, who will take care to supply the army with provisions, wherever it shall march. The same commissaries will furnish it with meat, beer, and brandy, of which there is great plenty all over the kingdom. There is of woollen cloth in the country enough to clothe a greater number of troops, and the peers and other lords will take care to furnish it. There is a great quantity of linen, shoes, and bonnets for the soldiers. They will be furnished in the same manner as the woollen cloths ; of hats there are but few. The same commissaries will furnish carriages for the pro-



visions, the country abounding therein. The inclinations of all these shires (excepting those of the west) for the king of England have been so well known, and so public at all times since the revolution, that the government has taken care to disarm them frequently, so that we are in great want of arms and ammunition. The highlands are pretty well armed after their manner. The shires of the west are pretty well armed. The peers and the nobility have some arms. There is no great plenty of belts and pouches, but there are materials enough to make them. The few cannons, mortars, bombs, grenades, &c. that are in the kingdom are in the hands of government. No great plenty will be found of hatchets, pickaxes, and other instruments for throwing up the earth; but there are materials for making them. Commissaries will be appointed to furnish cattle for the conveyance of the provisions, artillery, and carriages, the country being plentifully provided therewith. There are some experienced officers, but their number is not great.

With respect to money, the state of the nation is very deplorable. Besides that the English have employed all sorts of artifices to draw it out of the kingdom, the expedition of Darien has cost large sums; our merchants have exported a great deal: we have had five years of famine, during which we were obliged to send our money into England and Ireland to purchase provisions;\* and the constant residence of our peers and nobility at London, has drained us of all the rest; what our nation can contribute towards the war is therefore reduced to these two heads—the public revenue, which amounts to one hundred thousand five hundred pounds sterling a-year; and what the nobility will furnish in provisions, clothes, &c., the quantities and proportions of which will be settled upon the arrival of the king of England.

Having thus set forth the state of the nation, we most humbly represent to his most christian majesty as follows:

\* Query—how does this agree with two year's stock in the girnel?

That it may please his most christian majesty to cause the king, our sovereign, to be accompanied by such a number of troops as shall be judged sufficient to secure his person against any sudden attempts of the troops now on foot in Scotland, being about two thousand men, who may be joined by three or four English regiments now quartered upon our frontiers. It would be presumption in us to specify the number ; but we most humbly represent to his majesty, that the number ought to be regulated according to the place where the king of Scotland shall land. If his majesty lands north of the river Tay, a small number will suffice for his security, because he will be joined in a few days by considerable numbers of his subjects ; he will be covered by the river Tay and the firth of Forth, and all the shires behind are faithful to his interests. But if, on the contrary, his majesty lands upon the south-west or south coast, he will want a large body of troops, on account of the proximity of the forces of the English, and of their regular troops. We believe that eight thousand men will be sufficient.

But with respect to the number of the troops, we readily agree to whatever shall be settled between the two kings ; being persuaded that the tenderness of the most christian king for the person of our sovereign, falls noway short of that of his faithful subjects. We also beseech his majesty to honour this nation with a general to command in chief under our sovereign, of distinguished rank, that the first men of Scotland may be obliged to obey him without difficulty ; and to cause him to be accompanied by such general officers as the two kings shall judge proper. The peers and other lords, with their friends, desire to command the troops they shall raise in quality of colonels, lieutenant-colonels, captains, and ensigns, but we want majors, lieutenants, and serjeants, to discipline them. And if our enemies withdraw their troops from foreign countries to employ them against us, we hope that his most christian majesty will send some of his over to our assistance.

The great scarcity of money in this country obliges us

to beseech his most christian majesty to assist us with an hundred thousand pistoles, to enable us to march straight into England. We stand in need also of a regular monthly subsidy during the war; but we submit in that article to whatever shall be agreed upon by the two kings.

We likewise beseech his most christian majesty to send with the king, our sovereign, arms for twenty-five thousand foot, and five thousand horse or dragoons, to arm our troops, and to be kept in reserve, together with powder and balls in proportion, and some pieces of artillery, bombs, grenades, &c. with officers of artillery, engineers, and cannoneers. We submit in this also to whatever shall be settled between the two kings.

We have desired colonel Hooke to represent to his most christian majesty the time we judge most proper for this expedition, as also the several places of landing, and these for erecting magazines, with our reasons for each; and we humbly beseech his majesty to choose that which he shall like best. And whereas several of this nation, and a great number of the English, have forgot their duty towards their sovereign, we take the liberty to acquaint his most christian majesty, that we have represented to our king what we think it is necessary his majesty should do to pacify the minds of his people, and to oblige the most obstinate to return to their duty, with respect to the security of the protestant religion, and other things, it will be necessary for him to grant to the protestants. We most humbly thank his most christian majesty for the hopes he has given us by colonel Hooke, of having our privileges restored in France, and of seeing our king and this nation included in the future peace; and we beseech his majesty to settle this affair with the king, our sovereign. We have fully informed colonel Hooke of several other things which we have desired him to represent to his most christian majesty.

And in the pursuit of this great design, we are resolved mutually to bind ourselves by the strictest and most sacred ties to assist one another in the common cause, to forget all

family differences, and to concur sincerely, and with all our hearts, without jealousy or distrust, like men of honour, in so just and glorious an enterprise."

This deed was signed by Errol, Panmure, Stormont, Kinnaird, James Ogilvy of Boyne, N. Moray, N. Keith Drummond, Thomas Fotheringham of Pourie, and Alexander Innes of Coxtoun; and is extremely valuable, as the first regular bond of association among the jacobites, as showing the terms upon which they would have agreed to receive back again the excluded family, and as giving a view of the resources of Scotland at the time, drawn up by men who had no interest in overrating them, and after much calm deliberation. At the same time, the ready credence which they gave to Kerr's representations regarding the presbyterians in the west, shows how easily the most acute may be imposed upon when their inclinations aid the deceit.

Besides those who personally put their names to the memorial, the following are said to have signed by proxy; but it is somewhat questionable whether liberties may not have been taken by the zealots of the party in giving the signatures of some from whom they had no express authority; as, for instance, Lyon of Auchterhouse for the laird of Carnwath; and I am strongly inclined to believe, that Athol, who pleaded sickness, exercised a little of the political wisdom of Hamilton. Stormont, however, affixed his name, and was also responsible for the earls of Niddesdale, Traquair, Galloway, and Home, lords Kinmure, Nairn, Sinclair, Semple, and Oliphant. Lord Drummond and the laird of Logie signed sweepingly "in the name of the others," that is to say, according to the interpretation of Mr. Hooke, "in name of all the chieftains of the west of Scotland." Murray of Abercairny acted for the lairds of Fintree and Newton. Lord Breadalbane declined affixing his feeble signature, being now near eighty years of age, but promised every thing that could be expected from a person in his situation. Strathmore promised for the earls of Wigtown and Linlithgow. The laird of Pourie was not less com-

prehensive than lord Drummond; he signed "for the whole county of Angus," at the same time giving Hooke a list of all the men of family of whom he said he was certain. The duke of Gordon would not sign, from a principle of attachment to the king, as he could not prevail upon himself to think of exposing this prince to the dangers of war, though at the same time he owned his presence in Scotland would be worth ten thousand men! Innes of Coxtoun signed for the earl of Moray and the laird of Grant, and Errol for the earls of Caithness, Eglinton, Aberdeen, and Buchan, for lord Salton and the shires of Aberdeen and Mearns. Earl Marischall, like Athol and Hamilton, was on the sick list; but he sent the laird of Keith to make offer of twenty-eight field pieces, and two battering cannon, lying at his castle of Dunnotter.

The instructions which Hooke received were in accordance with the memorial, and prove that the presbyterians could have had no concern in the transaction, as, in order to calm the minds of the people, they requested him to desire the king of England "not to promise any thing particular upon the head of religion," but to say that he would be directed therein by his first parliament. They hoped too that the prince would grant a general amnesty without any deception; and that he would promise to release from their obligations to their superiors, all the vassals of such as should oppose him, that these vassals might be free to take arms for his service; as the only four principal chiefs that favoured the union were hated by their vassals, who only wanted this assurance of freedom to forsake their lords and join his majesty upon his landing. "The other peers, and those who had swelled the majorities in favour of the union," they added, "were men of no family or fortune in Scotland, but had been advanced to that rank on purpose to carry the measure," and as an irresistible conclusion to the whole, the emissary was directed to represent "that the French were as much loved in Scotland as they were hated in England; that the Scots still retained a pleasing remembrance of their ancient alliances; preserved several French idioms and turns of ex-

pression in their language; that France therefore was always dear to them, and that they promised themselves the deliverance of their country, and the restoration of their king under his majesty's protection."

Three places were proposed for the pretender's landing; first Leith, because ships could ride there in safety, and he would be immediately master of Edinburgh, of all the higher courts, of the sources of money and of trade, and would, without a blow, disperse the present government; the inhabitants of the city irritated at being deprived of their legislature, were described as anxious for his arrival, and the possession of his ancient capital, while it gave a splendour to his enterprize, would strike terror in his enemies; he would at once be placed in a rich and fertile country, abounding in provisions, and where the chief cavalry force of his friends lay, where the strength of the north could be most easily mustered, and where the roads for England were excellent and open; and two days would carry an armament from Dunkirk to the Forth. Kirkcudbright, in Galloway, was mentioned as the next, being situated in the midst of the presbyterians, and in the neighbourhood of shires that could furnish the greatest number of horses; where they could easily communicate with their friends in the north of England, and receive supplies which they expected from Ireland; and the passage from Brest was short and easy. The third was Montrose, which was recommended as a place naturally strong, and capable of being still more strongly fortified by art, situate in the heart of a fine country, where the king would be in the midst of his friends, while all the others behind were staunch to his interest. But to this last there were important objections; if a landing were effected there, it would be easy for the enemy to seize the passes, and then the army would have two great arms of the sea to cross ere they reached the capital, or be obliged to march by a circuitous route of a hundred and fifty miles, while the country would be wasted before them, and their route to the south obstructed; and besides, the harbour could not ad-

mit of ships of the line. To Kirkcudbright likewise there were some demurring, as the jacobites could not altogether trust the king among their new friends the presbyterians, lest by too early access they might corrupt the royal ear. Leith, therefore, only remained unobjectionable, but the choice was left to his most christian majesty, as was the season of the year. The memorialists, however, suggested either the month of August or September, as the campaign would be far advanced, and a small body of troops might be detached without danger; and especially as the British fleets would then be on the coast of Spain or Portugal.

When Hooke had thus finished his negociations, he took leave of his dupes with many assurances that the king of Scotland should be among them in August, and embarking on board a French vessel which had waited for him upon the north coast, carrying with him proffers of allegiance and submission to the pretender from the principal jacobites of the Atholian party. The Hamiltonians continued their communications with Middleton; and the duke, in a letter sent by Hooke, or at least published along with the other letters, in the secret history of Hooke's negociations,\* for obvious reasons written in cyphers, expressly disapproved of the memorial, and of the colonel's unguarded conduct in Scotland; represented the hopelessness of any attempt upon England, without a large force, at least fifteen thousand men, and the futility of making any attempt at all which aimed at Scotland alone; and with a laudable frankness informed the pretended king, that he had frequented his friends in England as much as another, but that he had not found the number very large: and although Hooke, on his return to Versailles enjoyed a triumph over the latter, it was all the immediate effect his mission appeared to have produc-

\* This letter, I apprehend, although it has found its way among Hooke's correspondence, must have been originally intended for the earl of Middleton, to be by him laid before the pretender—it was neither addressed nor signed.

ed: the year passed away, and the hope of the exile was still deferred.

But the crisis of Louis's fortune seemed to have come, and the tide of adversity that had rolled so strong against him, appeared to have taken a turn; the duke of Berwick had gained the decisive battle at Almanza, that fixed a Bourbon on the throne of Spain, and the war in the Netherlands had languished. Amid this returning success the affairs of Scotland remained forgotten, and those of the jacobites who were disgusted with the behaviour of Hooke, complained openly that France had again deceived them, and when they found their assistance unnecessary for their own selfish purposes, they cared no more about them or their king.

A great deal of the apparent inconsistency which the narrative of Hooke's mission involves may be reconciled, by adverting to the state of almost universal outrageous discontent which the conflict with English revenue officers already noticed was calling forth, and even the friends of the union, in their representations upon the subject, confessed that many of those who had joined most cordially with them, were repenting, and would willingly wish it undone; while many who had opposed it from no love to the exiled family, reduced to penury by its inauspicious commencement, would not hesitate in adopting the most desperate measures to produce a rupture. The convention of royal boroughs, which met at Edinburgh about the same time, were addressed by the merchants and ship-owners, whose property had been seized in the Thames, in language which might easily have led strangers to imagine that they were ripe for revolt; "our goods," said they, "which were allowed to be imported to Scotland before the commencement of the union, which were entered, and paid her majesty's duties, which were sent to England upon the faith of the union, and for which, before transportation, we obtained coasting docquets, approved by the attorney-general at London, transmitted to the lords of the treasury here, and by them delivered to the officers of the cus-



toms, upon which we had good ground to rest secure; yet to our astonishment, not only have our ships and goods been seized, but the goods themselves made havoc of and embezzled, and our seamen impressed; treatment so insupportable, that all the promised advantages of the union have become only so many traps to ensnare us to our inevitable ruin."

The injustice of this proceeding on the part of the English was aggravated, by being exercised towards men of small capital, the whole of whose limited fortunes were ventured in one speculation; and the mischief was very widely spread, as the wine merchants then chiefly concerned, were, in general, the younger sons of gentlemen, who embarked their slender patrimony of perhaps three or four hundred pounds sterling, in this genteel line of trade. Their feelings were allowed to rankle till the month of November, when the first British parliament met; on the 8th the queen delivered her speech, and adverting to the union, remarked, that "in a work so great and new in its kind, it was impossible but that some doubts and difficulties must have arisen, which she expressed her hopes were so far overcome as to have defeated the design of those who would have made use of that handle to foment disturbances; and earnestly recommended to their serious attention "the several matters made liable by the articles of the union, to the consideration of the parliament of Great Britain, together with such others as might reasonably produce those advantages that, with due care, would most certainly arise from that treaty."

As the terrors of the English mercantile world had subsided, and nearly one half of the French wines imported by the Scots had been destroyed or kept out of the market by the detention of their vessels and their cargoes; the commons agreed, in an address to the queen, that she would order her attorney-general to give up the prosecution of the more adventurous merchants, who had risked a law-suit rather than lose their entire property.

They next introduced a bill, repealing the act of security which had occasioned so much alarm; and, in

reference to the royal suggestion, passed a series of resolutions for rendering the union more complete:— that there be but one privy council in the kingdom of Great Britain; that the Scottish militia should be regulated in the same manner as the English; that the powers of the justices of the peace should be the same throughout the whole United Kingdom; that for the better administration of justice, and preservation of the public peace, the lords of justiciary should be appointed to go circuits twice in the year; that the votes for electing members to serve in the house of commons for Scotland should be directed to the sheriffs of the respective counties, and the returns made in like manner, as in England; and a bill was accordingly brought in. Nothing perhaps shows more the inveterate perversity of party spirit than that the abrogation of such a nefarious instrument of power, as the privy council of Scotland, should have called forth the smallest murmur of disapprobation; yet it was opposed, as dispoiling Scotland of a venerable institution, and as prematurely depriving her of a vigilant superintendence while the country was unsettled, the jacobites active, and before any proper substitution could be brought forward. But the motives were obvious, the Scottish statesmen who held the reins wished to retain them; and when they found that the defence of a mongrel board, whose atrocities were not yet forgotten, was invidious, they, after an ineffectual attempt to prolong its existence, at least for some months, were under the necessity of submitting to its being abandoned.\*

August had gone by, and three months of dreary expectation had succeeded, without any appearance of Hooke's promises being fulfilled; the jacobites, who had committed

\* The ministry opposed the abrogation, without which Scotland would have been reduced to a worse tyranny than ever, because they wished to influence the ensuing elections; but the peculiar state of the parties in England at the time, when it was uncertain whether whig or tory were to prevail, procured a majority to sanction the only act connected with the union, which appears to have been gratefully received in Scotland. —Burnet, vol. v. p. 378; De Foe, p. 594.

themselves by their communicating with St. Germain, repeated their invitations, and enforced the necessity of the pretender's making his speedy appearance among them by every argument of honour or necessity. "Is it possible," asks the duchess of Gordon in one of her letters, "that after having ventured all to show our zeal, we have neither assistance nor answer? And in another she tells her correspondent, "If we are left in the uncertainty we are now in, the people will grow cool, the chieftains will fear for themselves, and will make their peace, not to have an halter always about their necks." Her husband, with equal anxiety, asked the same questions; and even the agent of the duke of Hamilton pressed the necessity of the attempt "being made soon, otherwise the opportunity would be lost."

While plied with these importunate solicitations, Louis was himself feeling all the anxiety and disadvantage of having war carried into the heart of his own kingdom. To counterbalance the effects of the victory of Almanza, the allies projected the destruction of Toulon; and in the latter end of July the duke of Savoy and prince Eugene undertook the land operations, supported by the Dutch and English fleets; but after bombarding the place, they were forced to raise the siege in the latter end of August, yet not till they had prevented the reinforcement intended for Spain from marching, and filled the whole interior of France with confusion. The French ministry then, who shared in their monarch's indignation, determined to retaliate.

Preparations were accordingly made at Dunkirk, but with so much secrecy that the pretender himself was not acquainted with the destination of the armament till it was nearly completed. About five thousand troops were silently withdrawn from the garrisons of St. Omers, Calais, Bergues, Aire, and Lisle; and a squadron assembled, of five sail of the line ready for action, two fitted as transports, and twenty-one frigates. The count de Fourbin commanded the sea, M. de Gace, created Mareschal de Matignon, the land, forces. The pretender,

who assumed upon this occasion the title of the chevalier de St. George, was furnished with finely ornamented tents and elegant field equipage, the most superb services of gold and silver plate, rich uniforms for his guards, and splendid liveries for his servants, and everything else requisite for the establishment of a monarch. The day before he left St. Germain the French king courteously waited upon him to take leave and wish him success, presented him with a valuable sword, the hilt studded with diamonds, and requested him to remember that it was French. "Should I be so fortunate," replied the chevalier, "as to obtain the throne of my fathers, I shall in person acknowledge your majesty's assistance." "I hope," returned Louis, "that I may never see you again." James hastened to join the expedition, and Louis immediately despatched an express to the pope to obtain his holy benediction.

The devil, the pope, and the pretender, formed a trio from this date, long celebrated in prose and verse in the serious and comic productions of the time; whatever connection the first of the three had in the present adventure, the French king in his letter deemed the interest of the other two inseparably conjoined. "Holy father," so runs the pious epistle, "the great zeal which I have always had to re-establish on the throne of England king James Stuart III. is well known to you; though there was not hitherto a time proper for it, as well by reason of the conjunctures as by the unity of my enemies, which did not give me leave to act in so righteous a cause for our holy faith, the chief object of all our actions. We have now thought good to let him depart from our royal seat on the 7th of March, in order to embark himself on board a fleet, where every thing has been prepared for him, with sufficient forces to establish him on the throne, after he shall have been received on his arrival by the faithful people of Scotland, and proclaimed as their true and lawful king. I have thought it fit not to omit sending you this important news, that by your ardour the union of our holy mother the church may increase in that kingdom,

and that God may prosper him while the time is favourable. It is now, holy father, your business to accompany him by your zeal and by your holy benediction, which I also ask for myself, your most loving son." The mottoes upon the colours were in a similar style, besides the royal standard the other ensigns bore, *Nil desperandum Christo duce et auspice Christo*—with Christ for my helper and guide I cannot despair; and *cui venti et mare obediunt, impera, Domine, et fac tranquillitatem*—thou Lord, whom the winds and sea obey, command that it be calm.

Tantalized as the Scottish jacobites had so long been, they were delightfully surprised when they at last learned that there was some prospect of seeing their king in the midst of them: and he, as soon as he ascertained that the French court were really serious in their intentions, despatched Mr. Charles Fleming, brother to the earl of Wigton, to announce to his adherents in the ancient kingdom the grateful intelligence; to assure his loving subjects that he was coming with all possible diligence to assert his right, and protect them in their religion, liberty, and trade, conform to the law, and that he was bringing with him a sufficient force, a "good sum of money," arms, ammunition, and every other requisite. Fleming was also instructed to give positive orders to a select number of the nobility and gentry to seize suspected persons with their horses; to prevent the public money from being sent without the shires; to renew their correspondence with the north of England and Ireland, and any private dealings they might have had with forts and garrisons; and to have gentlemen ready on the east coast of the Lothians, and other parts of the coasts of Fife, Angus, and Mearns, that upon a signal which should be agreed on, and given from the first ship that appeared, they might be ready to come off with full accounts of the state of the country, and bring along with them some knowing pilots who understood the depth along the shores.

Fleming landed at Slaines castle in the beginning of March; and Errol instantly despatched a messenger, Mr.

George, a skipper in Aberdeen, to Malcolm of Grange, to make the requisite preparations. The same express had also orders for the pretender's friends in Fife and Lothian; but unfortunately the skipper, in drinking success to the undertaking, took the most effectual method in his power to frustrate it.\* Intimation was also forwarded to earl Marishall, who proceeded in person to superintend the operations in the district of Marr,† while Fleming made an excursion to Angus and Perth, where he found all the various chiefs in waiting. Lord Nairne introduced him to Athole, whose vassals had been warned five months before; but as this nobleman had no great inclination to call them out till he knew who was to command them, the agent was under the necessity of deceiving his grace, by allowing him to believe that the duke of Berwick was to accompany his brother. Breadalbane was to keep a sharp look out after the Campbells; but the marquis of Drummond and lord Charles, sons of the duke of Perth, who, according to the treason law of Scotland, could not be attainted for their father's crime, and then resided at Drummond castle, were the most sincere in their joy, and the most active in their endeavours to forward the cause for which their father was an exile. From Perth he went to Stirlingshire, where all were as promising as he could wish, and waited only the signal of the earl of Linlithgow to range under his orders.

\* Skipper George, who was engaged to pilot the king up the Firth, was further desired in the interim to make a trip over the water to Edinburgh, and advertise captain Straiton and Mr. Lockhart of Carnwath of Mr. Fleming's arrival and instructions; which having accordingly done, instead of returning immediately to his post, he was so elevated with the honour of his employment, that he remained drinking and carousing with his friends in Edinburgh, till it was so late he could not have liberty to repass the Firth; for by this time the public letters were full of the French preparations to invade Scotland. Lockhart's Memoirs, p. 241.

† In the narrative of Charles Fleming, the earl Marishall is said to be grand bailiff of the district. Hooke's Secret Negotiation, p. 180. As there was no such office, it is probably a mistranslation for sheriff. The earl was hereditary sheriff of Kincardine Cowie and Durris.

Nicolson, the titular Roman catholic primate, had issued his mandates to the papists of the north to hold themselves upon the alert. But while all were on the tiptoe of expectation, and Fleming was [March 22] impatiently waiting at the laird of Kilmaronock's in Dumbartonshire for news of the chevalier's arrival, as when he left Dunkirk, the embarkation was to have taken place on the 4th, inauspicious rumours reached him that he had landed in the north. Unwilling at first to credit such unpleasant reports, their frequent repetition induced him to set out for that quarter. On his journey he soon learned that the rumour was unfounded ; and the lairds of Keir, Touch, and Carden, who, with a colonel Graiden, and several others, deceived by similar information, had prematurely taken arms, and accompanied him for two days, on ascertaining the fact, left him and separated each to shift for himself ; while he almost at the same time ascertained the unspeakably more confounding intelligence that the expedition itself had altogether failed.

Various and contradictory reports had been assiduously circulated respecting the destination of the French armament ; while it was collecting, Newfoundland, Canada, and even Poland, were severally mentioned. The Dutch, however, appear early to have suspected the British dominions ; but the first certain intimation of its object was the ostentatious arrival of the pretender at Dunkirk, when he conceived there was no further necessity for concealment, and no fear of any obstruction. Of this, instant information was sent to England, and on the 4th of March her majesty, in a message to parliament, communicated the advices she had received, that great preparations were completed at Dunkirk for an immediate invasion upon England by the French, and of the pretended prince of Wales being come to Dunkirk for that purpose.

The houses replied in loyal and affectionate addresses, and two bills were immediately passed ; the one enacting that the abjuration oath should be tendered to all without distinction, and that such as refused it should be in the condition of

convicted recusants; the other suspended the operation of the habeas corpus act with regard to such persons as government should apprehend on suspicion of treasonable practices. The pretender and his adherents were proclaimed rebels; and adopting a measure similar to that recommended to the chevalier, all the clans of Scotland whose chiefs should take arms against her majesty were freed from their vassalage.

Upon the first report of the armament, the British envoy, major-general Cadogan, made arrangements with the commander of the Dutch forces at Brussels, and the commander-in-chief of the British at Ghent, for ten battalions of British troops to hold themselves ready at an hour's notice to proceed for England, so soon as it was ascertained that the French had embarked. With a dispatch, then considered incredible, but since often surpassed, the admiralty fitted out a formidable fleet, which being joined by the Lisbon convoy, before a fortnight had elapsed forty men of war were cruizing off Dunkirk under the command of sir George Byng, sir John Leake, and lord Dursley. The French who had expected to take the British by surprise were themselves completely disconcerted; on the supposition that sir John Leake had sailed with his squadron for the Tagus, they had publicly boasted that the interposition of heaven alone could disappoint their enterprise; the appearance of this fleet off Mardyke checked their confidence; the embarkation of troops was stopped; and an express despatched to Paris for new orders. Fourbin represented that he would only make an unprofitable and dishonourable cruize, and begged to resign a command in which he perceived he could not succeed; not however because he considered effecting a landing impracticable,—that he never doubted; but knowing the superiority of the English and Dutch fleets, he did not think it possible to support the troops after they were put on shore—to send them regular supplies, or even to conduct home in safety the fleet that had vomited them on the adverse shores.\* Louis, or his ministers, however, determined on

\* Fourbin's Memoirs quoted by Tindal, b. xxvi.



the expedition, sent positive orders to finish the embarkation and put to sea with the first fair wind.

The delay was attributed to the measles, with which the chevalier pretended to be seized; but as soon as the express returned from Paris the patient got better, and the preparations went on. Fourbin, who had done his duty in representing the difficulty of the undertaking, when he saw all his representations in vain, with the gallantry, however mistaken, which belonged to the old school of French officers, omitted no opportunity of carrying into effect the will of his sovereign. An opinion was entertained by the jacobites at the time, and repeated by their copyists since, that the French court were not sincere in their attempt upon Scotland:\*. For this I can see no ground; I am persuaded that never any expedition left France accompanied by more sincere vows and wishes for its success than did this, and the manœuvring by which the armament quitted the shores of France, convince me that no effort of skill was wanting to carry into effect what the commander of the expedition considered the intention of his court. But the winds which blow a British fleet away from a French coast, are precisely the winds which allow a French fleet to get out of their own harbours, with all the advantage of being to windward of their opponents; whichever of the two nations, therefore, possesses superior seamanship, that nation must possess the power of throwing a force upon her enemies shores at will, while the inferior naval power must always depend upon accidents for accomplishing their object, and the chances against them, even in the most favourable circumstances, are as two to one; of this, all the attempts of France upon the British islands, from the battle of La Hogue to Bantry Bay, afford sufficient evidence, and the present is none of the least striking examples.

Fourbin's fleet was entirely equipped for running, not for fighting, the vessels were light and clean, and their

\* Lockhart strenuously asserts this as his belief, but as it was merely his own opinion, and the evident ebullition of disappointment, I do not think it of any weight. *Memoirs*, p. 244.

compliment of sailors was diminished, in order to accommodate the soldiers and carry the stores; these were not, however, equal to the wants or wishes of the Scots; ten thousand muskets at least had been demanded, with arms and accoutrements for two or three thousand horse; but the French minister only ordered to be put on board three thousand muskets, one thousand pair of pistols, twenty thousand pound weight of powder, two twenty-four pounders, four light field pieces, two eight inch mortars, six hundred bombs, and a train in proportion.

A hard gale, on the fourteenth of March, drove the British off the coast, and forced them back into the Downs, which moderating on the 17th, the French admiral seized the favourable opportunity, and set sail for Dunkirk about four P. M. But the wind changing at ten, they were obliged to come to an anchor in Newport Pits, where they continued till the same hour on the nineteenth, when the wind again shifting they stood for Scotland. Their motions being observed from the steeples of Ostend, major-general Cadogan dispatched a swift sailing vessel to sir George Byng with the intelligence, which induced him instantly to shape his course for the firth of Forth, where he fortunately arrived in time to frustrate all the objects of the expedition. During the tempestuous weather that detained the French squadron off Newport, they lost three of their frigates, which were obliged to put back to Dunkirk. As they contained upwards of eighteen hundred men, and a large proportion of their supplies, a council was called in the chevalier's cabin, to consider whether they should, under these circumstances, continue their voyage, when it was decided to proceed, the chevalier himself voting in the affirmative; a consultation was then held as to the place of landing,\* and Hooke is said to have urged the north, but the advice of Middleton prevailed, and the har-

\* M. D'Andrezel, who mentions this council, must, I think, have misstated its object. As Fleming had been sent before to prepare the friends of James for his landing in the frith of Edinburgh, it is not likely they would have hesitated, except about an alternative in case of stress of weather.—Hooke's Secret Negotiation, p. 153.

bour of Burntisland, in Edinburgh firth, was fixed upon for disembarking, whence it was proposed to send a detachment to take possession of Stirling bridge, and secure the passage of the Forth. Next day it became necessary to lay-to from six in the morning till ten at night, for their stragglers; but on the twenty third, when they discovered the coast of Scotland, they found they had overshot the mouth of the Firth, and were obliged to sail south to regain it. On entering, Fourbin sent a frigate up the river with English colours, to fire twenty cannon, the signal agreed upon, while the squadron remained at the isle of May; but the signal was not answered, and the appearance of the British fleet next morning gave the intruders a notice to quit, which they did not deem it safe to dispute. Mons. le Comte "by the favour of a gale of wind which came very timeously," gave orders to weigh and put to sea with the utmost celerity, and appointed the bay of Cromarty or Inverness, as a rendezvous in case of separation. In the afternoon a running engagement took place between the van of the British and the rear of the French, when the former succeeded in cutting off and capturing the Salisbury, a heavy sailing vessel that had formerly belonged to their own navy.

During the engagement the chevalier several times intreated the count de Fourbin to put him on shore, declaring that he was resolved to remain in Scotland although none were to follow him but his domestics; a proposal to which Fourbin, after expostulating with him upon its impropriety, refused to accede. On Sabbath morning (the 29th) they had outsailed and lost sight of their pursuers, when the marshal de Matignon and the admiral, proposed to the chevalier to attempt a landing at Inverness, to which he agreed; but a gale springing up at the moment, it was found impracticable to continue their course north, and their provisions falling short, they resolved to sail direct for Dunkirk. As if disappointment in every shape had been destined to attend this unlucky expedition, they now fell in with six Dutch

vessels which M. Fourbin would have attacked, and, he believed, would have taken, "if he had not been charged with the person of the king of England."

Exactly a month from the date of their sailing (April 17,) the French admiral returned to the roads of Dunkirk, with four ships of war and five frigates; and, with the exception of the Salisbury, all the rest gained their ports in safety, having experienced from the tempest more disasters than from the foe; for the vessels being crowded with landsmen, and the accommodation not fitted for so extended a cruise, disease and mortality had made such progress, that the reduced numbers who were re-landed filled all the public hospitals. M. D'Andrezel closes the journal of their disasters by expressing his opinion, "that though the disembarkation had taken place, the success of the expedition would nevertheless have been very doubtful, by reason of the uncertainty both of a fit place for landing, and the succours that they were to expect to join them."

Nor does he appear to have formed a very erroneous conclusion, as the resources of the jacobites were by no means adequate to the extent of the enterprise, nor in that degree of forwardness for co-operation, which would have been necessary to ensure success. The government, although taken perhaps unawares, possessed all the efficient power requisite to resist a much more formidable invasion; and the facility and promptitude with which an over-powering force was brought to the proper scene of action, evinced that they were far from being unprepared. It is true, there were not more than two thousand five hundred soldiers under the earl of Leven in the vicinity of Edinburgh, but there were several regiments stationed on the borders, and the troops from the continent were at the mouth of the Tyne. The regiments in the south had been marched to the north of Ireland, and lay ready to come over at a moment's notice. They had likewise both artillery and ammunition, and if Edinburgh and Stirling Castles were not furnished for protracted sieges, they were safe from any sudden assault. That the troops were disaffected, we have been told upon the same authority that accused the pres-

byterians; but the more unquestionable evidence of lord Seafield assures us, that the loyalty of the latter to queen Anne, and their zeal for religion, was indisputable.\* The city of Edinburgh, depicted as so friendly to the pretender, presented sir George Byng with the freedom of the city in a gold box, on his return from pursuing the enemy, in token of the high sense they entertained of his services in delivering them from his presence; and although some Dutch vessels, loaden with arms and ammunition, were stranded in the north, yet no attempt was ever made to secure them. Hamilton, the fate of whose predecessors afforded an impressive warning against rash and unsupported enterprises, withdrew to England, and left the duchess Dowager to manage, who, with similar prudence, flattered the party, but declined to move in the absence of her son. Indeed, the whole circumstances of this luckless attempt were calculated to show, that however dissatisfied with the union, a great majority of the people were averse to the house of Stuart, and that, except among the chiefs of the north, and a few discontented favourers of the old regime in the south, the cause was hopeless.†

The pretender himself was of a different opinion; and while his adherents were lamenting the frustration of their hopes, and filling the state prisons of Scotland, he was dreaming over new projects, and endeavouring to console them for the failure of the last. In instructions sent them from St. Germain, dated the latter end of April, he desires his agent to assure them, “that far from being discouraged with what had happened, he was resolved to move heaven and earth, and to leave no stone unturned, to free himself and others; that he pro-

\* “All the presbyterians, and you in particular, have been very happy of having this opportunity to testify your zeal and loyalty to her majesty’s person and government, and your fixed resolutions to withstand and oppose the popish pretender. This has rendered all the presbyterians very acceptable to her majesty, and has also secured to them many friends.” Carstairs’s papers, p. 764.

† Hooke, 155, *et seq.* 178, *et seq.* Lockhart papers, v. 1, p. 238, *et seq.* Burnet, v. p. 383, *et seq.* Tindal, b. xxvi. Sir George Byng’s Dispatches.

posed to come in person to the highlands with money, arms, and ammunition, and to put himself at the head of his good subjects if he found them in arms, and if not, he exhorted them to rise with all convenient speed upon the expectation of his arrival, which he intended should be as soon as he received their answer; and as he was so desirous of venturing his own person, he hoped they would follow his example, as the time was critical, and not to be neglected." He also told them, that his most christian majesty would support his undertaking with troops as soon as they could be conveyed with safety, but promised, that till then he would reside in the highlands, unless encouraged by his friends in the low country to go to them. What answer he received to this communication I know not, but his hopes appear to have been so high, that he gave orders to his solicitor-general, in the month of May, to prepare a bill, in due form of law, containing a grant to Herbert Roettiers, to be engraver-general of the mint of Scotland, and issued his orders about the several species of gold and silver he was to coin.\* The name of James VIII. was, however, happily never to adorn the currency of the ancient kingdom !

As soon as the bustle of the projected invasion had ceased, the attention of government was directed to the obnoxious or suspected characters. All who had been active in opposing the union, as well as those who were known to be favourers of the pretender were seized; and as parliament was upon the eve of dissolution, the political opponents of the Scottish ministry, who exhibited refractory symptoms, were either included in the list of the prisoners, or threatened to be so, if they did not desist from any pretensions to stand as candidates at the ensuing election.

The first British parliament terminated its sittings on the first of April one thousand seven hundred and eight; and it was remarked, that the Queen, in thanking them for the supplies, first introduced the term pretender into parliamentary language. "I take these," the supplies, said her majesty, "to be such undeniable proofs of your zeal and

\* Stuart papers, vol. i. p. 101-2.

affection to my service, as must convince every body of your doing me the justice to believe, that all which is dear to you is perfectly safe under my government, and must be irrecoverably lost, if ever the designs of a popish pretender, bred up in the principles of the most arbitrary government, should take place." When the royal speech had been delivered, the parliament was prorogued to the 13th, and two days after dissolved.

The abolition of the Scottish privy council afforded an opportunity for exercising the power of the British. The prisoners were ordered to London for examination; and the Scots were unnecessarily insulted, by seeing their leading men, to whom they had been accustomed to look up with reverence, led in three bands to a foreign capital, to be exhibited to the raillery and gaze of an English rabble by the road, guarded as criminals before trial. Hamilton, who had been seized in England, contrived to take advantage of the state of parties, and negotiating with the whigs upon engaging to support the squadron in the election of peers to the British parliament, procured the liberation of himself and friends.

Such of the others, against whom there were no particular information, after having been severally examined before the lords of the privy council, were admitted to bail,—a favour extended almost to the whole of the nobility; but lord Belhaven, who was among the number, did not long enjoy the favour; grief and indignation at the treatment he had received produced inflammation in the brain, and he only survived his release a few days. The wanton indignities which they had endured, effaced, in a majority of instances, the clemency they had experienced: to noble minds degradation is worse than death; and an untamed proud nobility, were irritated rather than softened at this show of mercy, particularly as they suspected that not a few of the queen's councillors were implicated as well as themselves in the intrigues with St. Germain's. It was not easy to produce proof against even the most notorious of the suspected, which would not have involved very unpleasant consequences to the prosecutors; and any expo-

sure of the secret intrigues and transactions which must have taken place in consequence of inquiry, it was the interest of both the parties to conceal.\*

Those therefore who had appeared in arms, as the Stirlings of Keir and of Carden, Seaton of Touch, [vide p. 63.] were alone sent to Scotland to be tried for high treason. They were accordingly brought before the justiciary court; but, by the omission or connivance of the lord advocate, they had not been furnished with a list of the witnesses to be produced against them, and the trial having proceeded,

\* Few of the public men seem to have been free from the most unprincipled double-dealing at this period; but it is excessively vexatious, that, in the Stuart papers, we never can proceed with any confidence in the fidelity of the editor, and that, unless when aided by other documents, we can almost never be certain that we are not led astray by some interpolated epistle, or garbled extract. The letters published as from cypher, I should almost be tempted to treat as apocryphal. The following anecdote is given as from Mr. Carte's Memorandum Book, marked vol. xi. p. 27. "Marquis of Annandale having got into his hands an original letter of lord-treasurer Godolphin to the court of St. Germain's, he, about 1708, petitioned against the election of the earl of Sutherland, one of the sixteen peers returned; and the latter was turned out to make room for him. Lord Wharton treated with him for this letter, and got it into his hands, and then forced lord Godolphin to make him lord-lieutenant of Ireland. Ch. Cæsar had at this time been sent to the tower for saying, in the house of commons, that lord Godolphin kept a correspondence with the said court; and this letter being a proof thereof, lord Goldolphin durst refuse the junta nothing, but at the end of the session, in March, pressed lord Wharton to go for Ireland; and the other expressing a desire to stay till the end of the session, he assured him all the business was over, and nothing but form left, so that there was no occasion for his stay, upon which Wharton went; but the first news he heard there was, that an act of grace was passed in the parliament of England, where few things were pardoned, but all correspondence with the court of St. Germain's was very particularly. Then he saw himself bit, and lord Godolphin got out of his clutches." Stuart papers, vol. i. p. 104. Lockhart, who was Wharton's nephew, and would have been delighted to have had such a story to tell, assigns a much more simple reason of Wharton's appointment:—the natural adoption by the whigs of a very obvious and common policy, that of buying off a troublesome opponent by a good place, which was done not to Wharton alone, but to several other of the tory leaders at the time.



their counsel started this objection, which the court sustained, and it proved fatal; the pannels were assoilzied.

Similar ungracious lenity was at the same time shown to an aged but convicted traitor, lord Griffin, who had been taken on board the Salisbury with two of the earl of Maitland's sons; he stood attainted by outlawry for high treason committed in the reign of William—was brought to the bar of the court of queen's bench, and a rule made for his execution; but he was reprieved from month to month, till a natural death relieved him from one of the most painful of human feelings—suspense.

Contemplating a scene of confusion, when it was ascertained that the French fleet was at sea, and even anticipating a landing, the earl of Glasgow, now third time appointed commissioner, proposed to delay the meeting of the general assembly; but all apprehension upon this head being so quickly dissipated, it sat down on the appointed day, April 15th, and was greeted with a most gracious and affectionate letter from her majesty, acknowledging her satisfaction with the zeal and regard the ministers had shown for her person and government upon the appearance of an invasion, her confidence in their inculcating the principles of loyalty upon their people; and repeating the assurances of her firm resolution to maintain the government of the church of Scotland as by law established, and to protect them in all the rights and privileges that by law they were possessed of.

The commissioner, in still stronger language, informed them that he had received her majesty's express command to give them renewed assurances of her unalterable resolution constantly to maintain the church of Scotland as by law established, and her most entire satisfaction with their good conduct. Carstairs, who was moderator, expressed his peculiar joy at seeing her majesty again represented by his grace, in their first meeting after the mischievous attempt that had been made by the French monarch to invade that part of Great Britain, with a design to assist a popish pretender to usurp the sovereignty of her majesty's dominions—"this assembly (he continued) doth admire and

thankfully acknowledge the surprising and wonderful goodness of an overruling God, in confounding a contrivance that was levelled at the ruin of our holy religion, and the civil liberty of not only these nations, but of Europe. Blessed be the God of heaven, who hath turned back the haughty enemy with shame, when swelled with hopes of success, of which he did every where confidently boast. But whatever encouragement he might have had from some in this part of the island or elsewhere, yet as it doth already plainly appear, so I am fully persuaded that this assembly will make it manifest to the world; that the presbyterians of Scotland are too sensible of the blessings they enjoy, by the divine favour, under the government of their lawful sovereign queen Anne, and of the many advantages of the late glorious revolution of which the settlement of the protestant succession by law is none of the least; that they have too great a concern for the protestant church, and too great a detestation of popery and tyranny, and see and hear of too many dismal instances of French government; not to have an abhorrence both of the designs of Versailles, and the pretensions of St. Germain's."

The answer to the royal letter echoed back with fervour the sentiments of loyalty and affection to the queen's person and government, for which her majesty had given the ministers credit, and they promised to excite and encourage the same principles in the people under their care. They likewise threw the moderator's speech into the form of an address to the queen; and deputed Mr. William Carstairs, their present, Mr. John Stirling, their late moderator, and Mr. Robert Baillie, with David earl of Glasgow as ruling elder, to wait upon her majesty, and to congratulate her upon the merciful deliverance of her dominions. Their political business was appropriately concluded, by appointing a day of thanksgiving for this seasonable appearance of divine providence; "a day," they piously added, "to lift up our souls in blessing the God of our salvation for this and all his other wonders of mercy that he hath wrought for this church and nation; and to call all persons in this national church to give to the infinitely wise God the glory of his

free goodness ; taking shame and confusion of face to ourselves because of our highly-aggravated iniquities, and searching and trying our ways, and turning to the Lord from whom we have so deeply revolted ; repentance, reformation, and showing mercy to the poor, being the best evidence of thankfulness for the great mercies of the infinitely holy God, and the only way to secure a continuance of our blessings."

Their ecclesiastical proceedings were in the usual routine, and differed little from those of the last meeting, except that they displayed an increasing terror at schism, and appeared willing to resort to more rigorous methods to repress it ; but they passed a most excellent act and recommendation concerning ministerial visitation of families, enforcing upon ministers the performance of that most important part of their function, the due discharge of which would go farther to prevent separation from the church than a thousand anathemas against divisive courses.\*

Before the parliament was dissolved, the whigs had secured the ascendancy in Scotland, the attempt at invasion, which was intended to overturn, having now fairly established their power. At first, amid the universal disgust at the union, the jacobites had resolved not to attempt obtaining the return of their party to the British parliament, as they fancied they would serve the interest of the automaton they called their king, better by improving the general discontent among the people, than by any feeble opposition they would be able to offer in the legislature ; but when they had reason to believe that an attempt at invasion would actually be made, they changed their tactics, and resolved to be active in the elections, because, whatever should be the result, if a new parliament met before that were decided, it would be of importance to have as many of their associates there as possible ; and besides, it was deemed necessary to assume an appearance of bustle and anxiety, to obtain seats in the representation for their tory friends, that the government might be diverted from the supposition, that any

\* Actings and Proceedings of the General Assembly, 1708. MS. Bib. Edin.

other kind of effort to obstruct the protestant succession would be made.

Several months, therefore, before the dissolution, the most strenuous exertions had been used to obtain the assurance of tory returns at the next election. But after the attempt proved abortive, their evil genius, the duke of Hamilton, by his treaty, again sacrificed the projects of the party to his personal interest; and when they wished to procure admission for as many of their friends as possible, in the event of an inquiry into the late transactions, they found the nobility pre-engaged, and they knew that at no time did their interest stand high among the other ranks. At the election of the peers, which took place at Holyrood House, June the seventeenth, the duke and one or two temporizers, were chosen, but the remainder were whigs. Nor in the boroughs or towns were the tories more fortunate; they carried few of the elections: and Lockhart, who prevailed in the county of Edinburgh, was not yet wholly despaired of, as he kept up his connexion with lord Wharton, who at that time possessed much influence with the whigs.

The new parliament met, November 16th, and was opened by commission, as the queen's husband, George, prince of Denmark, having died during the recess, her majesty, who affectionately loved him while alive, and sincerely lamented him when dead, was unable to undergo the envied but cheerless parade of processions, nor did she attend during the session. Another splendid campaign had just closed; and the whigs continued to possess a resistless majority; but it was noticed with regret by their friends, that they supported it by measures as indefensible as those they had inveighed against when out of office. Their conduct in the house of commons, with regard to contested elections, was as partial and tyrannical as that of the tories had ever been. That of Westminster was decided against them,\* but the

\* On this occasion, the Scottish members exhibited a very characteristic trait, which unexpectedly turned the scale; the two opponents were Thomas Medlicot, who was named by the tories, and sir Henry

rest were uniformly carried by them; and so open was their determination, that sir Simon Harcourt, who had been returned for Abingdon, when a petition from his whig opponent was presented, after it had been hotly debated till two in the morning, and he saw how it was likely to go before he retired, said bluntly in his parting address, "Whatever the determination of this house may be, this I am sure of, and it must be admitted, that I am as duly elected for the burrough of Abingdon as ever any man was."

The Scottish members stood aghast at the supplies, seven millions sterling being voted for the service of the coming year! and they were only reconciled to it from the alarm industriously sounded, that a new invasion on a much larger scale was projected against their country and Ireland. But this was not the only advantage that that topic afforded; at the time when Fourbin's fleet was at sea, a run had been made upon the Bank of England by the disaffected and timorous, which had occasioned their projecting a call upon the proprietors for an additional twenty per cent. on their capital; the shortness of the alarm rendered this unnecessary, but now when the exigence of the state required assistance, they, in return for the support they had received from the exchequer, proposed to repay the favour in the true spirit of mercantile friendship, by circulating two millions, four hundred pounds of exchequer bills, provided their charter was renewed for twenty-one years, and they were allowed to double their capital; to which government acceded, and bought the accommodation at a premium of little less than ten per cent.

After the English elections were disposed of, those of Scotland came to be considered, and the first brought under

Dutton Colt, the whig candidate; but sir Henry had, during the former session, thrown out some reflections upon the Scottish nation, which, when his case came to be tried, were recollected against him; for, forgetting both whig and tory, "all the Scots," (except sir Gilbert Elliot of Stobs, who deserted his countrymen), "to show their resentment, did unanimously vote against him, and, with the help of the tories, found Mr. Medlicot duly elected, although the court and the whigs exerted themselves to the utmost against them."—Lockhart's Commentaries, p. 297.

review was upon a question new on the south side of the Tweed :—whether the eldest son of a peer was eligible as a member of the house of commons? In England, where the whole peerage were hereditary members of the house of lords, the sons, who were always considered commoners till they succeeded to the title, had always enjoyed the rights of commons, and never been excluded from the lower house; but the eldest sons of the Scottish nobility, formed a kind of non-descript race, who, without being considered by the nobles as peers, were not allowed to degrade themselves by representing those of a lower estate; a natural consequence of the three castes meeting in the same chamber.

It has been alleged, and with much probability, that one of the principal inducements for the chief Scottish nobles to consent to the union, was the facility with which they thought they would be able to procure the election of their sons for counties and boroughs, and by this double vote enhance the value of their family with a British ministry. To this the other ranks were decidedly averse; and the subject was brought before the commons by a petition from some gentlemen in the county of Aberdeen, against the return of lord Haddo; which being strongly contested, a committee of the whole, on December third, took into consideration that part of the union relative to the election of members to serve in that house, when counsel was heard at their bar for the petitioners and for the respondents. For the former it was argued, that by an act of the Scottish parliament, entitled an act for settling the manner of electing sixteen peers and forty-five commons to represent Scotland in the Parliament of Great Britain, which act was ratified by an act for uniting the two kingdoms: it is declared that none shall be capable to elect or be elected, to represent a shire or burgh in the parliament of Great Britain, for this part of the united kingdom, except such as are now capable to elect or be elected, as commissioners for shires or burghs to the parliament of Scotland: Therefore, it was self-evident that the eldest sons of Scottish peers could neither be

elected nor sit as members of the British house of commons, unless they could have been chosen members of the Scottish parliament. The contrary however was the fact, for in every instance where this was attempted, they were always rejected, particularly in the cases of viscount Tarbet's eldest son, in the year one thousand six hundred and eighty-five, and of lord Livingston in one thousand six hundred and eighty-nine.

But besides this argument, which could admit of no dispute, there were, they contended, others equally unanswerable. The fundamental law of the union had most expressly reserved to the commons of Scotland that valuable privilege of electing their representatives in parliament from among the best qualified gentlemen of their own number and state, as they had formerly used to do; and this choice ought to be made as free as possible from the influence either of bribes or threats, and determined only by the ability and integrity of the candidates, who, it was requisite, should be persons capable of maintaining their independence of character. But the commons in Scotland being surrounded by a numerous and powerful peerage, who, like so many sovereigns, judge and determine within their respective bounds, in criminal as well as in civil matters, being vested with vast superiorities, and hereditary jurisdictions, so that no commoner holding any part of his lands of a peer, or indeed being in his neighbourhood, could be esteemed at liberty to make a free election of his representative: therefore the commons of Scotland had invincible arguments for preserving entire to themselves, that necessary privilege of excluding peers eldest sons from being members; and in addition, one of the anti-unionists urged that the Scottish commons did not think their liberty safe in the hands of those persons or their proxies, who, to gratify their ambition, had sold their own birthrights and privileges. The facts adduced could not be denied, and the arguments drawn from the practice of England were totally inadmissible; it was therefore decided, that the eldest sons of Scottish peers were ineligible, and the speaker was ordered to issue his warrant to the



clerk of the crown, to make new writs for electing commissioners in room of the lords Haddo, Strathnaver, Johnstone, and the Master of Ross, who were declared incapable of sitting in the commons house.

In the house of peers the admission of the Scottish members gave rise also to decisions and precedents altogether novel, and demonstrated the futility of those arguments which had been brought forward against the union, arising from the impossibility or illegality of innovating upon the established constitution of England; when, in truth, the glory of the English constitution, now the British, is, that having arisen out of circumstances, it possesses the power of suiting itself to circumstances, which, whenever it loses, and acquires an immovable stability, the principal of vitality shall have fled, and, however the symmetry of the body may be preserved for a little, its dissolution must be rapid and unavoidable. Petitions were presented against undue returns of the representative nobles; and the principal points were tried, with regard to the right of the duke of Queensberry. His grace had been created a British peer by the title of duke of Dover, yet he claimed to vote as a Scottish peer at the election. He also held a proxy, and thus two votes depended upon his qualifications; because, if he could not vote for himself, it followed he could not act as proxy for another. Against the duke's voting among the Scottish lords, it was objected:—that if a peer of Scotland, when made a peer of Great Britain, still retained an interest in electing the sixteen from Scotland, this would create a great inequality in the peerage, some having a double vote, personally and by representation; and that it would throw an unintended and unprecedented power into the hands of the crown, since by creating a few of the chief families in Scotland British peers, they would be able to carry the election as they pleased. In reply, it was said, that by a clause in the act passed since the union, the peers of England, who were likewise peers of Scotland, had their right to vote in the election of the Scottish representatives still preserved to them. To this it was answered, “that a peer of England and a peer of Scotland held their dignity under two



different crowns, and by two different great seals; but Great Britain including both, the separate inferior peerage must necessarily merge in the greater; besides, the separate rights of the parties were preserved entire, as they stood before the union, but the case was altogether different, with creations which took place since. Upon a division, it was determined against Queensberry, and the point determined, that no British peer, created since the union, had a right to vote in a Scottish election. Both these questions respecting the privileges of peers and their eldest sons were carried in opposition to the court, chiefly by the almost unanimous opposition of the Scottish peers, who were supported by the tories, and some few independent whigs. Another question, chiefly of a temporary nature, viz. whether the lords confined on suspicion had a right to vote by proxy, not having taken the oaths in the manner prescribed, was decided in favour of their lordships, who, being under restraint, had taken the oaths in the only manner in which it was in their power to do. Of all the representatives, the marquis of Lothian only was set aside, and the marquis of Annandale's claim sustained.\*

Wherever trade was concerned, the English and the Scots betrayed the utmost jealousy towards each other, the English afraid of the encroachments of the Scots, and the Scots irritated at the exclusive monopolizing spirit of the English. Nor did the ministry evince that conciliating disposition which might have been expected towards the merchants of the poorer kingdom, who were severe individual sufferers by the union, while their wealthier neighbours, as individuals, were actual gainers; this was discovered in a pitiful manner, with regard to some drawbacks upon salt claimed by the Scottish exporters. A considerable quantity of fish and salted provisions, having been cured with salt imported into Scotland before the union, was shipped for abroad, together with a quantity of the salt itself; and the merchants applied first to the custom-house officers, and then to the treasury, for the pre-

\* Lockhart. *Parliament. Hist.* Tindal. Burnet.

premiums and drawbacks allowed by the British law, but receiving for answer, that as the salt had not paid the high duty, they had no claim to the drawback, application was made to the house of commons. Upon reference to the articles of the union, it was found to be expressly provided, that after the month of May 1707, the premiums and drawbacks therein stipulated should be payable without any limitation from the produce of the customs; and as the Scottish merchants were not allowed to import goods, purchased before the union, at the easy Scottish duties, it was unfair to refuse them the premiums for what they had on hand before that date. The expense was trifling to England, but, to Scotland, was of the utmost importance, not so much, perhaps, in a pecuniary point of view, though even that was to them considerable, as tending to show how far their new allies were inclined to act in the spirit of brotherhood and equity. An unwilling consent, however, wrung from the ministry, destroyed the effect of what, if granted readily, would have been reckoned a favour, but which, when reluctantly conceded, was esteemed only an act of tardy justice.

An inquiry into the invasion of Scotland was then brought forward by lord Harversham in the house of peers. "The nation," he said, "expected an inquiry, in which not only their welfare but existence was involved, especially as several persons of great quality had been arrested, but against whom no proof had been adduced; and they were returned to Scotland to complain of the severity of their treatment, in having been punished for the negligence of ministers, whose culpable inattention in leaving Scotland unprotected, was the real invitation that had been sent to the pretender, and which still offered to the French king the greatest encouragement to renew his attempt." A committee was in consequence appointed, and all the papers relative to the invasion laid before it; their details coincide with the narrative I have given of the expedition, but Haversham found in them subjects of strong accusation against the ministry, which he urged with considerable eloquence, though the importance he attached to the unprovided cas-

tle of Blackness, as an instance of their carelessness, excites a smile in those who have seen that mighty fortress; he, however, made no particular motion on the subject, and contented himself with remarking, "I believe, my lords, there has been enough now said to justify this inquiry, and I shall add but this, that if there be no greater care taken for the future, than there was at the time of such imminent danger, it will be the greatest miracle in the world, if, without a miracle, the pretender be not placed upon that throne."

A similar inquiry in the house of commons was closed by two resolutions,—first, that orders were not issued for the marching of the troops in England, until the fourteenth day of March, it being necessary, for the security of her majesty's person and government, that the troops in this part of the kingdom should not march into Scotland, till there was certain intelligence that the enemy intended to land in that part of the united kingdom; second, that timely and effectual care was taken by those employed under her majesty, at the time of the intended invasion of Scotland, to disappoint the designs of her majesty's enemies, both at home and abroad, by fitting out a sufficient number of men-of-war, ordering a competent number of troops from Flanders, giving directions for the forces in Ireland to be ready for the assistance of the nation, and by making the necessary and proper disposition of the forces in England.

These inquiries were followed by an open and flagrant breach of one of the most important articles of the union, and confirmed the prediction of the opponents of that measure, that they would only be observed so long as it was found for the convenience of England. The jurisdiction of the high court of justiciary had been solemnly guaranteed, but the acquittal of the gentlemen who had been seized in arms, both irritated and disappointed the ministers; and a bill was introduced into the house of commons, to render the union more complete, by assimilating the laws of high treason in both divisions of the empire. Had the whigs, by an enlightened policy, seized the op-

portunity of plainly and accurately defining the crime of treason, of prescribing a form of trial, simple and equitable, strong for the protection of the weak and the innocent against the arm of tyranny and the oppression of power, yet vigorous for the repression of the turbulent and punishment of the guilty, they would have deserved well of their country; but when they only introduced one set of antiquated and variable statutes for another, and that for the obvious purpose of extending the grasp of the executive, always sufficiently energetic in cases of state crime, their services are of a more doubtful character.

The bill was so much opposed in the commons, that it was laid aside. In the house of lords it was resumed with more success; it declared, that all crimes which were high treason by the law of England, and these only, were to be high treason in Scotland; that the English mode of procedure was to be adopted by the Scots; and that the pains and forfeitures were to be the same in both nations. The Scottish lords were unanimous in their reprobation of this attempt to reduce their country under the laws of England, and contested every enactment of the statute in its progress. They demanded, that all those offences which were considered high treason by the law of England, should be enumerated in the act, that they who were strangers to the English statute-book might know when they were safe, and when they were in jeopardy. They were answered, that directions would be given to the judges to publish an abstract of the laws upon this subject, which would contain every necessary information:—a promise which silenced the opposition, but was never performed.

The method of procedure gave rise to warmer debates. In Scotland there was no difference between the process in cases of high treason and any other criminal trial; the prisoners were served with an indictment, containing a statement of the special crime or crimes of which they were accused, together with a list of the names and designations both of the assize and witnesses, fifteen days before the day of trial. A jury of fifteen was chosen by the court, and no peremptory challenge was allowed, but ob-

jections might be stated and argued before the judges, who sustained or repelled them as they judged them valid,—the charges in the indictment were then argued by counsel, as to whether they constituted the crime of high treason or not, which was determined by a sentence of the court, styled an interlocutor, finding the libel relevant to infer the pains of law, or the contrary; after which, if the trial proceeded, the proof of the facts alleged was adduced, and upon it the jury pronounced a verdict by a plurality of voices: in the punishment a discretionary power was left with the judges. Instead of this, a grand jury was to find a bill, the judges were to lay down the law, and the whole was to go entire to a petty jury of twelve, who were bound to return an unanimous verdict: no list of witnesses was furnished, and no counsel allowed to the accused. The Scottish lords contended long for the list of witnesses being furnished, that the accused might have time to inquire into their character, and produce whatever might tend to invalidate their testimony, if they should happen to be persons unworthy of credit. But to grant this, it was said, would be to open a door to practise upon witnesses or to suborne others to defame them. By the Scottish law, marriage-settlements, entails, and the claims of creditors, were excepted from forfeiture, and corruption of blood as the consequence of attainder, was never incurred unless inflicted by the legislature. By the English law the whole inheritance and family of the traitor were involved in one undistinguished ruin. But the Scottish lords in vain contended, that according to the articles of the union all private rights were preserved, and without a violation of public faith, these settlements could not be encroached upon; and Burnet, bishop of Sarum, with as little success, humanely proposed to abolish altogether forfeiture and corruption of blood, nor visit upon an innocent offspring the iniquities of their fathers. A clause was, however, inserted abolishing torture, which, till this date, might have been legally inflicted in Scotland, and which, as a general personal security, perhaps, in practical importance, more than counterbalanced the innovation.

made upon the criminal judicature of the country, and the bill passed the upper house.

A more powerful opposition assailed it in the commons, where two material amendments were carried. By one the names of the witnesses were ordered to be furnished to the prisoner ten days before the trial; and by the other, no estate in land was to be forfeited for the crime of high treason:—they were however rendered nugatory for a time by a proviso inserted by the lords, on the suggestion of lord Somers, that they were not to take effect till after the death of the pretender; and the time was afterwards prolonged till after the death of his sons.—Different as were the opinions and parties of the Scottish representatives upon other subjects, they, to a man, united to resist so flagrant an infringement of the treaty; it was found, when too late, that their representation in either house was inadequate for preserving any of the stipulations it might be deemed, by their more powerful allies, advisable to break; and the whigs had the disgraceful precedence in these encroachments upon good faith.

But the party known by that name in the British House of Commons were consistent only in pleading for the principles of equity or liberty, when it tended to preserve themselves in power; they could condemn the one and violate the other as heartily as the tories themselves, when either appeared to trench upon their own particular. The sacramental test, which to this day remains as a blasphemous stain upon the British statute books, never appears to have given them the least uneasiness, and provided it could keep out a political opponent, it had rather been viewed with a kind of approbation. Never was it so viewed by those in Scotland bearing the same appellation; and about this time a pamphlet was published in London, purporting to be a letter from a gentleman in that country to his friend in England, against that grievance. The sacramental test, the author represented as repugnant to the union, dangerous to the ecclesiastical establishment of Scotland, and to such remains of their civil constitution as were still reserved; inconsistent with

the general interests of the empire, contrary to our Saviour's design in the institution, and to the doctrine of the church of England herself. He warmly reprobated it as an irreligious prostitution of a divine ordinance, for an object diametrically opposite to its original intent, as a profanation of the Holy Sacrament by law, in order to serve a secular purpose, as the usurpation of an authority to which no power on earth can lay claim; in obliging a person to qualify for a civil post by partaking of the Lord's Supper, without any regard to the fitness which the law of Christ requires for that solemnity, and heedless of that awful injunction, "that whosoever eateth or drinketh unworthily, eateth and drinketh damnation to himself:" from which it was evident, he asserted, that it was the interest of a party, not the honour of the church, that was protected by this pernicious act, which, while it pretended to secure religion, struck at its root. This letter was circulated at the doors of the house of commons, and occasioned a considerable sensation. Its arguments were incapable of answer, but the majority of this whig parliament, dreading to offend the high church party on so tender a point, had recourse to that very brief method of refutation, upon a complaint made to them, they ordered it to be burned for a scandalous seditious libel.\*

At the close of the session, to sooth the irritated Scots, a bill of indemnity was passed, in which all treasons were pardoned except those committed upon the high seas, by which the immediate attendants of the pretender alone were excepted from a full and ample security:—an act, which was asserted to have been not less necessary for some of the ministers themselves than for the Scottish jacobites, only the latter had been more open and imprudent than the others. Notwithstanding, however, this act of grace, the Scottish members returned to their con-

\* The high church party shortly after well repaid them for this mean compliance, as they deserved. *Parliament. Regist.* Burnet, vol. vi. p. 4 *et seq.* Laing's Scot. vol. iv. p. 392. Stair's Institut. Lockhart, vol. i. p. 295, *et seq.* Stuart Papers, Ann. 1708—9.

stituents dissatisfied, and found them equally displeased, every art being used by the anti-unionists to exaggerate the affront put upon the nation, which was in all conversations represented as merely the commencement of a series of aggressions, while the jacobites delighted to nurse the slightest symptoms of discontent that appeared in the country.

Meanwhile the general assembly commenced a more harmonious session. The queen's letter contained a repetition of the usual assurances of favour and protection, which the earl of Glasgow, who continued to represent her majesty, dilated in the common strain. To this Mr. Currie, minister of Haddington, who was chosen to the chair, replied, "We reckon ourselves under infinite obligations to Almighty God, that, amidst so great and wonderful changes as have come to pass in our times, he has preserved the national church, setting a cloud of protection over her assemblies, and making us to enjoy peace in the midst of war, and rest in the days of calamity. And after our humble and thankful acknowledgments of divine goodness, we cannot but be deeply and gratefully sensible of the many great favours conferred on us by our gracious sovereign; we have had the mercy not only to hear, but to see and share in the accomplishment of that glorious evangelical promise, that kings should be the church's nursing fathers, and queens her nursing mothers—a blessing not very common, and never to be forgotten."

The assembly then proceeded to recommend the furtherance of a design for propagating christian knowledge in the north, the highlands, and islands, and foreign parts of the world. A society, instituted for this purpose, had during the last year received the approbation of the queen in council; and the general assembly, "considering that the glory of God and the advancement of the kingdom of Christ in the eternal salvation of the immortal souls of the people, were deeply interested in the truly pious and glorious design; with all earnestness besought and exhorted all the people of their national church to contribute their best endeavours in their stations to promote that noble and ex-



cellent undertaking; and particularly that in zeal for the glory of God, and in pity and compassion towards many thousands in this church and nation, especially in the highlands and islands, who live in barbarity and ignorance, and towards so great a part of the world as is this day perishing for lack of knowledge, they would cheerfully embrace this precious opportunity of honouring the Lord with their substance, and making to themselves friends of the mammon of unrighteousness." They next seriously recommended the ministers and elders to go through their respective parishes, and "collect subscriptions and contributions from such persons whose hearts God should incline thereto." In connection with this, they particularly instructed their commission to make effectual whatever had been done by preceding assemblies towards erecting schools in the north, the highlands and islands, and whatever else might tend to the advancement of religion and reformation in these places, and to give all due assistance to the society; and because the meetings of the commission were but few and at long intervals, they empowered them to name a committee of any number of the ministers and elders of the church they should think proper, whether members of the commission or not, to communicate with the presbyteries, and with the society upon whatever might tend to promote the great object.\*

Former assemblies had shown an anxious desire for giving stability to instruction, by establishing libraries in the various presbyteries and parishes in the highlands: a communication from the Rev. Mr. James Kirkwood called the attention of the present to the importance of laying a foundation for a similar institution in each presbytery in Scotland. Considerable donations of books for

\* By a report from the synod of Argyle, it appears they had procured the translation of the Confession of Faith and Larger Catechism into the Gaelic language, which the assembly ordered to be printed; and also that measures should be taken for reprinting the Shorter Catechism and the Bible in the same language.

this purpose, it appears, had been benevolently sent from England, and these he proposed should be distributed as far as they would go, and that the several presbyteries should endeavour to forward the object, by raising subscriptions to augment the small donations where they had got them, or purchase suitable works where no books had been given. The assembly adopted the suggestion, and at the same time ordered letters of thanks to be written to Dr. Bracy, Mr. Woodcock, Mr. Nielson, Mr. Yates, and Mr. Straiton, in England, for their care in procuring these libraries.

At this time the kirk sessions consisted of ministers, elders, and deacons, and the latter were entrusted with the management of "the poors' funds," that is, had the charge of collecting for and distributing to the poor. This order obtained in the presbyterian church from its commencement till the restoration, when presbytery being abolished by the act 1661, the justices of peace were empowered to name overseers in every parish, and these overseers were empowered to call for the collection of the parish, and distribute it, as they saw fit, to the poor; but when presbytery was re-established, and the office of justice of peace fell into desuetude, the oversight of the poor reverted to the deacons, till, upon the enactment of last parliament, the commissions of the peace were again revived, when the justices in some parts of the country immediately began to interfere with the collections for the poor, and claim a control over the funds in the deacons' hands. Against this encroachment the assembly instantly set themselves, and requested the commissioner to represent to her majesty, that the care and concerns of the poor could never be better or more carefully managed; and that there was nothing more desirable than that this apostolic institution, and the commission to the justices of the peace, likewise of great use and advantage to the country, should not interfere on this point: and that the latter should not intermeddle with the liberality and privilege of the church.

His grace readily undertook the business; and it deserves to be particularly remarked, that to this assembly and their prompt measures, Scotland owes their being saved from that most oppressive and baneful load of taxation, the poor's rates, under which England groans; but which, if the justices had been allowed once to obtain the collecting and management of the parish funds for the support of the poor, would at length have fallen with as heavy a pressure upon the industry of our country as it does upon that of our neighbours.

Hitherto the appointment of public fasts, which required the civil sanction, had been arranged between the assembly and the privy council of Scotland; but that being now abolished, before they or their commission could proclaim such a solemnity, it became necessary to communicate with London, and obtain the consent of the queen, a tedious and awkward process; they therefore presented a memorial to the commissioner, "humbly proposing, that in regard of the occasions that may fall in, both of fasting and humiliation, and also of thanksgiving, to be kept in this part of Great Britain, for appointing and observing whereof, it is most fit and convenient that the civil sanction should concur and go alongst with the desire and ordinance of the church: which cannot now, after the union of the kingdoms, be so easily and readily obtained as formerly, by reason of her majesty's residence at so great a distance: albeit," continue the venerable supplicants, "we be most persuaded of her majesty's constant religious disposition in all such cases, we, with all submission, recommend to your grace to represent the premises to her majesty, and withal to entreat on our behalf, that when this church shall judge it necessary, either by their general assembly or commissioners thereof, to have a day either for general fasting and humiliation, or of thanksgiving, solemnly appointed; it may please her majesty to empower such as her majesty shall judge proper, residing here at Edinburgh, to receive such application as may be made to them for the effect foresaid: and interpose her

majesty's authority and royal sanction thereto, that the foresaid appointment, as the exigence shall require, may be kept and observed with that religious order and decency as becomes."

The commissioner undertook to present this memorial also to her majesty, and in the meantime the assembly recommended to the synods and presbyteries to set apart a day for public prayer, fasting, and humiliation, within their bounds, on account of the unseasonable weather, the dearth, and the threatened scarcity—the signs of God's displeasure for the sins of the land; and to supplicate the Lord that he would be graciously pleased to pour out the Spirit from on high upon persons of all ranks, bless his ordinances with more success, remove all our distempers, heal our breaches, "and defeat all designs tending to the disturbing of the public peace, either by foreign invasion or intestine broils in favour of the pretender."

This important assembly was closed by the moderator with a judicious and excellent speech,—“In considering and ordering what has come before us,” said he, “we have had no disturbance, but much encouragement and assistance from the throne, we have exercised that power our Lord Jesus Christ has allowed his servants for managing the ecclesiastic affairs of his house, and our God hath so guided us, that we have had no eccentric motions beyond our line, or excursions into civil matters,—it being the principle, and I hope shall always be the practice, of this church, that he who occupies the pulpit should decline the bench, and such as bear office in the holy ministry should not entangle themselves in the affairs of this life. Whatever different thoughts or reasonings have been amongst us as to the expedience or inexpedience of some things in our present juncture or state of affairs, I am confident there is no reformed church more agreed in discipline, worship, and government, than the present established church of Scotland; and therefore let the apostolical exhortation take place—let brotherly love continue, and let all our emulation be, who shall bear the greatest conformity unto the ever blessed Son of God, who is meek and

lowly in heart, and how to attain to wisdom and the understanding of our times.”\*

: Discontent was not now confined to the Scots or the jacobites. Taxes began to press heavily in England, and the object which had rendered the war so popular appeared to be accomplished: France, humbled and exhausted, was no longer the terror of Europe, and the aggrandisement of the house of Austria appeared to threaten the balance of power as effectually as that of the family of Bourbon, and rendered it a matter of doubt whether a brother of the emperor, or a grandson of Louis, would be most to be feared as the monarch of Spain and the Indies.—The tories in England were not all, nor even a majority of them, jacobites, but they possessed that principle equally strong in jacobites or Hanoverian, the love of power; and were like them not always over scrupulous about the means of obtaining it. They had long viewed with desire the places from which they were excluded, but the unvaried success of Marlborough seemed to seal their exclusion, when that very circumstance operated in their favour.

A severe winter, which blasted the expectation of the vine, and destroyed the hope of the olive, completed the misery of France; and her king, whom the venal poets of his court had prematurely deified as “the Great,” was compelled to bow himself before his enemies and sue for peace. He agreed to submit to the most humiliating terms—to acknowledge the archduke Charles as king of Spain—to cause his grandson to withdraw from the contest—to acknowledge the queen of England and the protestant succession—to order the pretender to leave his territories—demolish the fortifications of Dunkirk—to give strong bar-

\* Among the acts of this assembly, there is one “seriously recommending to persons of all ranks to forbear bowing, and other expressions of civil respect, and entertaining one another with discourses while divine worship is performing, and divine ordinances dispensing.” These indecent customs were at this time very prevalent. Mr. Boston, in his memoirs, mentions that neglecting to pay this mark of respect from the pulpit to a chief heritor, was the cause of his not obtaining a call to the parish of Clackmannan. Life of Boston, 18mo. p. 63.

riers to the states and the duke of Savoy, and to discuss any further concessions in a general congress. The allies alleged that France was insincere, and the negociation was broken off; but the tories insinuated that it was the avarice of Marlborough, and the policy of the whigs, who must have lost their war-offices and emoluments, that occasioned the failure; and all moderate men unconnected with party, lamented that terms which would have secured the repose of Europe and the protestant ascendancy, had been refused without a sufficient and palpable necessity. From this period the war began to become unpopular, and the whig administration to decline in the affections and confidence of the nation. They had already lost the confidence of the queen. A Mrs. Masham, a relation of the duchess of Marlborough, who had been introduced by her to her majesty as her dresser, soon perceived that Anne felt uneasy under the domineering friendship of her grace, and by more supple attention, and humble compliances, supplanted the imperious favourite; and the intrigues of Harley had paved the way for the dismissal of the whigs, whenever a proper opportunity should arrive; but as Anne was naturally deficient in that moral courage which enables a person to act with decision, it is problematical, whether that opportunity might ever have arrived, had not the whigs themselves procured it.

Scarcity began to be felt in Britain, and the tories contrasted the sufferings of the people, the decline of the trade, and the amount of taxes, with the vast fortunes which the general, the treasurer, and the immediate servants of the crown were realizing; the constant drain, too, of men, which the murderous victories of Marlborough occasioned, not only spread misery throughout the cottages of the country, but carried distress into the bosoms of many of the first families of the land. While these causes were sapping the foundations of the whig ministry, a high church zealot sprung a mine they themselves had charged, which shattered their government, and produced a most violent concussion throughout the whole empire.

At the union the Episcopalians affected to dread the

admission of so many Presbyterian peers and commoners into the united legislature; and this prejudice had been carefully cherished by the tories whom they opposed. The Convocation of the English clergy had been suspended during the last sitting of the British parliament, while the Assembly of the Church of Scotland had been permitted to meet; toleration was the avowed creed of the whigs, and the consequence had been an alarming increase of sectaries; the benevolence which had dictated a subscription for relief of the foreign refugees, who were chiefly Calvinists, and an act passed for their naturalization, were represented as invidious methods to swell the ranks of the enemies of the church: and all were urged as proofs of a conspiracy against the hierarchy, and preparatory to a renewal of the religious fanaticism of the days of the commonwealth:—however ridiculous these imputations may now appear, they were then both widely disseminated and believed: the explosion followed.

On the anniversary of the gunpowder plot, Henry Sacherevel, D. D. a fellow of Magdalene College, Oxford, if not of superlative abilities,\* certainly of matchless effrontery,

\* “As to his wit and learning,” one of the controversialists of the day makes the following remarks,—“I dare be his compurgator with respect to both these. The very title of his sermon is bad grammar. ‘The Perils of False Brethren in Church and State,’ is properly the perils to which these false brethren are exposed, and not the perils arising from them. As to other gross nonsense, did any man ever before hear of ‘parallel lines running together, and at last meeting in the centre,’ is a discovery entirely his own.”—Bisset’s modern Fanatic, p. 16.

The mathematical discovery here eulogized, is extracted from an assize sermon which I have not seen; but the two printed discourses—“The Communication of Sin,” and “The Perils of False Brethren,” which I have, are not quite such despicable performances as his antagonists describe; they no doubt contain much distorted argument, delivered in turgid language, and studded with false ornament; and much “turbulent and rampant and even blasphemous matter,” but there are many severe and some plausible passages in them; nor is it rational to suppose, that if they had been such very silly performances, they could have produced the effects they did. They were aided, how-

who had previously, by intemperate invective against the existing government, attempted to render himself notorious, having been appointed to preach in St. Paul's, before the lord mayor, chose for his text 2 Cor. xi. 26, "In perils amongst false brethren;"—and in his declamation, indulged in the most virulent abuse of the then present administration and their measures; in particular, the lord treasurer was scurilously attacked under the name of Volpone,\* and those bishops who had inculcated toleration were inveighed against as perfidious prelates, and false sons of the church. He roundly asserted, in the most unqualified terms, the doctrines of passive obedience and non-resistance, which, by a strange kind of sophistry, he averred the revolution did not oppose. The union was obliquely satirized, on account of admitting Presbyterians to take the sacramental test, which he represented "as breaking down the inclosures and making a high road in upon her (the Church of England's) communion, so that the pure spouse of Christ was prostituted to more adulterers than the scarlet whore in the Revelations;" he then "sounded the trumpet in Zion, declaring the church was in danger from the violent assaults of open enemies, and the indifference and luke-warmness of hollow heartless friends; and that it became every true and right-hearted man to put on the whole armour of God." This discourse, which the common council refused to sanction, he printed with the approbation of the lord mayor, to whom it was dedicated; and the tories, to whose passions a vehement appeal was made, expressed the wildest approbation of the incomparable performance; while the whigs, in return, decried it as utterly contemptible in a literary, and detestable in a political point of view. It happened, however, to fall in so well with the turning tide of the times, that upwards of forty thousand copies were sold in a few days.

ever, Cunningham tells us, "by a melodious voice, a good figure, and a graceful delivery." Hist. v. i. p. 275.

\* An avaricious, and, of course, a fraudulent, cheating, lying scoundrel, the principal character in Ben Johnson's comedy of Volpone, or the Fox.



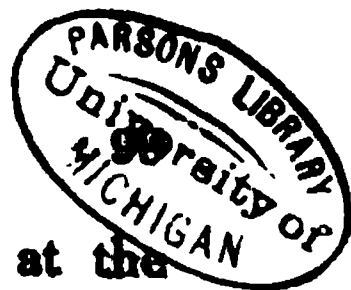
Exasperated at its success, and wincing under some unpleasant, but not untrue rubs, it gave to their galled flanks, the ministry adopted the worst of all possible methods of wreaking their vengeance on the author. Had they allowed it to remain unnoticed, it would have been the wonder of an hour, and would have died away; or when it was injudiciously obtruded on the attention of the house of commons, had they adopted the opinion of the wiser members, ordered the obnoxious pamphlet to be burned by the hands of the common hangman, and committed the writer to Newgate till the end of the session, it would, in all probability, never more have been heard of; but by some unaccountable infatuation, they resolved to impeach him solemnly at the bar of the house of lords, as guilty of high crimes and misdemeanours.

No sooner was this known, than Sacherevel was proclaimed the champion and martyr of the church, to whose subversion his impeachment was only the prelude. Inflamed by such assertions, the populace during his trial, which lasted three weeks, attended almost to nothing else; they surrounded his chariot as he went to Westminster hall, and diversified the entertainment by various interludes, insulting the whig members, burning the furniture of the dissenting chapels, and rioting most lustily for the honour of the church! Anne came regularly to the trial incognita; being supposed friendly to the impugned doctrines, the earl of Wharton one day took the opportunity to observe, "that if the revolution was not lawful, many in that house, and vast numbers out of it, were guilty of bloodshed and treason; and that the queen herself was no legal sovereign, since the best title she had to the crown was her parliamentary title founded on the revolution;" bishop Burnet was equally explicit. He remarked, "that by inveighing against the revolution, the toleration and the union, a direct attack was made upon her majesty; who had a distinguished share in the first, had uniformly declared that she would maintain the second, and that she looked upon the third as the most glorious event of her reign."

The debates were long and violent, both parties summoning their whole strength, but at the close the delinquent was only found guilty by a majority of seventeen voices, fifty-two voting for, and sixty-nine against him. He was sentenced to be suspended from preaching for three years, and his sermon ordered to be burned in presence of the lord mayor and the sheriffs of London, which was done accordingly; and by a late and rather whimsical act of justice, the famous decree of the Oxford university, passed nearly thirty years before, asserting the absolute authority, and indefeasible right of princes, was committed to the same flames.

Such a result of the mighty preparation and enormous expense of the impeachment, realized the fable of the mountain in labour, and threw an air of ridicule over the whole proceedings. The tory faction justly considered it as a triumph, and celebrated it by bonfires and illuminations, not only in London, but throughout the whole kingdom, and their rejoicings were succeeded by numerous addresses, expressive of zealous attachment to the church, and detestation of all anti-monarchial and republican principles. In a progress which Sacherevel afterwards made to take possession of a living in Wales, he was magnificently entertained by the university of Oxford and several noblemen; and his procession resembled the pomp and state of a prince; he was received in many of the towns by the magistrates in their robes, and was usually escorted by a body of a thousand horse. The hedges for miles were hung with garlands of flowers, and lined with people; the steeples were covered with streamers and flags, and the air resounded with shouts of "the church and Dr. Sacherevel."\* To those who court the favour, and idolize the voice of the multitude, this enthusiastic admiration, of a hypocritical haranguer, which pervaded all ranks for a while, is calculated to carry wholesome admonition; and when contrasted with the indifference

\* Two steeples in Bridgenorth had no less than fifty pounds worth of flags and colours upon them, which were enough for a fleet of colliers, and would have been more religiously employed. *Annals of Queen Anne.* Oldmixon, p. 454.



and obloquy with which Marlborough was almost at the very moment treated, proclaims loudly the worthlessness, as well as the mutability of popular applause. This trial had so completely occupied the attention of parliament, that little other business was attended to, and nothing that particularly regarded Scotland. But the Scottish peers, who had till now uniformly voted with the court, divided upon this occasion, and Hamilton, Mar, Weems, and Northesk, went over to the tories: for which the duke was rewarded afterwards with the lord lieutenancy of Lancaster.

Emboldened by these appearances, while the tory mania was at its height, the queen dismissed the whig ministry, and formed a high church cabinet, at the head of which Harley, created earl of Oxford in the following May, was placed; sir Simon Harcourt being made lord chancellor; lord Rochester, the queen's uncle, president of the council; Henry St. John and lord Dartmouth, secretaries of state; and the duke of Ormond, lord lieutenant of Ireland. A new parliament being requisite to support the new ministry, the elections in England were carried before the popular commotion had subsided, almost wholly in favour of the tories; and such was the sudden and violent alteration, that a whig durst scarcely appear as a candidate, except at the hazard of his life. The pope and the pretender were forced to hide their diminished heads, and ceased for a time to be terrible, while the banners of "church—and—state" waved triumphant.

Rumours had reached Scotland of the tumult which raged in the sister kingdom, and the presbyterians were deeply interested in marking its progress; but they prudently remained tranquil waiting the issue; and when the general assembly met in April, any reference that was made to the mad uproar then urging on by the high church episcopalians, was remarkably guarded. The queen's letter was shorter and more general, not less kind or gracious than usual; but the earl of Glasgow, continued commissioner, the whigs not being yet displaced, in his speech was more than commonly warm, in enlarging upon her majesty's unabated affection for the church, and regard

for their privileges. Mr. W. Mitchell, one of the ministers of Edinburgh, the moderator, made use of the following significant expressions in his reply: "I have no doubt this assembly will give a dutiful answer to her majesty's letter, each word of which hath its weight, and I hope shall have its effect: I do but add, that as this assembly, and all the favourers and lovers of Zion, hold a high esteem of our privileges and blessings, so I pray and hope they shall be helped through the good hand of our God, to evidence that sense they have of their worth and value, and to show themselves in all things ministers of the Lord Jesus Christ." The answer of the assembly was rather more pointed. "We crave leave upon this occasion to assure your majesty, that we abhor all the principles that stain the glory of the reformed christian religion, and all opinions that have a tendency to shake the excellent and solid foundation upon which your majesty's just title to the supreme government of your dominions, and the security of your throne in a protestant succession against all popish pretenders, are happily established." They very judiciously, however, avoided in their act for a fast, hinting their fears about the stability of their church, and confined themselves in their preamble to those causes which might at any time be urged "as subjects of humiliation:—the great and crying sins of the land, atheism, irreligion, popery, many errors, and dreadful delusions, with immoralities of all kinds, heinously aggravated as being committed by a professing people in a reformed land, against the clearest light of the glorious gospel."

As no answer, however, had been received to the application of the last assembly, for some medium in Edinburgh through which they might receive the civil sanction for such appointments, they applied to the commissioner, requesting him to transmit the act to the secretaries of state, to be laid before the queen, which he did by the flying post, and readily obtained the royal signature. The application, however, happened to arrive when the episcopal shouting of the church in danger was at its height, and the ministry, who felt their seats shaking by the noisy zealots



of one polity, were afraid of encountering the claims of another. Accordingly Sunderland, who communicated the queen's approbation to the moderator; in a private letter to Carstairs, warned him of the danger of pushing forward the pretensions of the church with too much zeal; but he evidently mistook a mere matter of form for some new clerical assertion of authority.\*

His grace the commissioner, who was better acquainted with the nature of their proceedings, expressed himself in a very different strain. "I shall not be wanting," said he in his closing address, "faithfully to lay before her majesty the great duty and regard I have observed in the ordering and dispatching all your business, to her majesty's person, authority, and government;" and with kind of presentiment that he might not again speedily meet them, he affectionately added, "I beg leave to return you my most

\* He says, "I hope the assembly will be sensible of her majesty's goodness in condescending to interpose the civil sanction to their act: for which it must be owned there was no occasion, the government not having been wanting hitherto in any thing necessary for promoting either the civil or religious concerns of the people; so that if we could see into the views of some who perhaps have been most active and zealous for this step, we should probably find them different from what they appear to be, and to fall but too much in with the like humour here, which has already raised so great a ferment; and which, if not diverted, must necessarily end in the disturbance of the quiet both of church, and state. And I dare not promise you, if the assembly should offer again at the like step, that they will meet with the same easiness and compliance in the government. Sunderland's letter to Carstairs, dated May 10th. Carstairs' Papers, p. 785. At this date the whigs had no conception of such a complete overturn as took place in a few months, and would therefore have been willing to gratify the queen and the tories by discountenancing the presbyterians and dissenters. Even Harley apparently contemplated a coalition with part of the ministry; but the latter thought, as they could command the house of commons, and were so strictly united with the allies, they would force the queen to retain them as her servants. This confidence in their own strength was another cause of their downfall; and, had the tories been moderate, would have prevented their rise, for they had alienated their best support, the presbyterians and dissenters. "It was the misfortune of the nation," says a writer of the day, "that we were delivered from one bad set, and put into the hands of such as were no better, if not worse." *Thoughts on the Peace.*

humble and hearty thanks for the many great civilities, and undeserved favour and kindness you have ever loaded me with, and now, particularly on this occasion, I do assure you, I shall, to the utmost of my power, ever support the government of this church, and faithfully and sincerely serve the interests of the same." No acts of any consequence were passed by the assembly.\*

Scotland, which might have naturally been expected to be as unanimous in opposition to the high church faction as England was for it, already discovered the subserviency of her representation to the reigning ministry. Hamilton naturally exerted himself for the tories, and Argyle, disgusted at the neglect of Marlborough, also supported the party in place, in which they were joined by Mar; but they acted separately, and the administration affected to leave the elections in Scotland free. The jacobites complained that they did not, as they expected, receive any countenance from the court.† Queensberry declined interfering with the elections, as his influence in Scotland had greatly diminished since the union; and being, through the interest of Ormond and Rochester, continued third secretary of state, he consented to desert his old friends, and form a part of the new government.

The whole sixteen peers were agreeable to the ministry; but it was remarked as a bad omen for the adherents of the pretender, that the earls of Kinnoul, Loudon, Orkney, and Roseberry, had formerly acted with the whigs, and could not be counted upon as favouring their cause, but would be tories only in so far as their interest directed them.‡ About two-thirds of the commons were tories—that is, ministerial supporters; and had it not been that the revenue officers who were appointed by the last ministry, from gratitude, a very rare principle in politics, voted for their

\* Actings and Proceedings of the General Assembly, MS. 1710, and Printed Acts, id. An.

† Lockhart's Commentaries, 319. ib. 320.

‡ *Semper eadem* was affixed to the weathercocks on the queen's visit to Oxford. The same sarcasm might, with a little variation, have been affixed, on the election day, to the vane at Holyroodhouse.

candidates, scarcely one whig would have been returned from the north side of the Tweed, though the presbyterians had taken the alarm, and the ministers began to doubt the stability of their establishment. Even in Fife, which, ever since the days of the reformation, had been distinguished as friendly to the side of the whigs, in a contested election the lyon-king-at-arms carried off the prize; but it must be granted, that the conduct of the other party when in power had not been such as to secure the affections of the people of Scotland; and that, if they would have preferred them, it was more from a dread of their supplanters, than from any great love they bore to them.

Every eye was now directed to the new parliament, which met on the twenty-fifth November one thousand seven hundred and ten. Mr. Bromley, member for the university of Oxford, was chosen speaker, which sufficiently indicated the sentiments of that portion of the legislature; but the queen in her speech gave no intimation of a change of politics in the cabinet—"in the plainest words," she declared her intention "to support and encourage the church of England, and preserve the British constitution according to the union;" only the customary eulogium on the success of the campaign was omitted; and in place of her usual promise "to maintain the toleration as by law established," she substituted a cant phrase, which had been employed by Sacherevel's council, and promised "to maintain the indulgence by law allowed to scrupulous consciences;" adding however as a solatium, and "that all these may be transmitted to posterity, I shall employ none but such as are heartily for the protestant succession in the house of Hanover, the interest of which family no person can be more truly concerned in than myself.\*

\* The whole of the new ministry almost sent letters containing the most ardent professions of attachment to the elector of Hanover, and there are no grounds for supposing that Harley, now at the head of the administration, who was a whig in principle, and bred a presbyterian, was not at this time sincere." Hanover Papers, 1710.

Having now an opportunity, as was naturally to be expected, the tories retaliated, without mercy, upon the whigs, in contested elections; and supported their own claimants with an equal indifference to the justice or injustice of the exceptions made against them. The Scottish representatives had only one, that of Dumfries-shire, which was disputed, and it was probably the only one which was decided impartially. Grierson, junior of Lag, was returned member, against whom the second son of viscount Stormont (James Murray) petitioned; both were tories, but according to the good old Scottish custom, whose divisions had always subdivisions, they were ranged in two parties, the duke of Queensberry leading the one, and the duke of Hamilton the other,—and Lag being a relation of Queensberry's, he was superseded by Murray; all the Scottish members, to show the aversion they had to his patron on account of the union, voting against him. What however appears to have chiefly influenced the English members, and carried the decision, was the creation by Queensberry of fictitious freeholders. He had given the right of freehold to several voters, in trust, or redeemable for a trifling sum, a practice which, if allowed, would have always thrown the counties into the hands of those peers who had extensive superiorities;—a majority of the commons, therefore, rejected these votes as illegal encroachments on the rights of the qualified electors, and declared in favour of the candidate who had the greater number of *bona fide* suffrages.

Actuated by party rage, the tories in the house of commons, after voting a liberal supply for continuing the war, instituted an inquiry into the enormous expenditure already incurred; and to mark their opposition to the persons and principles of their predecessors, procured a vote of censure on the late treasurer, whose accounts they said were irregular, though his enemies were constrained to acknowledge that no suspicion could attach to his integrity. In the upper house the conduct of the war in Spain was condemned, and while the



victories in Flanders were studiously passed over, the earl of Peterborough was thanked for his conduct in the Peninsula.

Cordially as they all agreed in their opposition to whig politics and whig ministers, the Scottish and English Tories could not coalesce in regard to commercial regulations. Linen was the only staple manufacture of Scotland, and had been cherished with the most anxious solicitude by the Scottish parliament. A bill was, however, now introduced, imposing a duty for thirty-two years on every piece exported from Britain; this the Scottish members, particularly Bailey of Jerviswood, and Mr. Smith the representative of Glasgow, opposed as unfair; because the staple manufacture of England [woollen cloth] being always exempted from duty, that of Scotland had a right to similar encouragement, more especially as their woollen manufactures had been entirely ruined by the union, and England had none of linen to suffer. A long debate having ensued, Harley at length rose and expressed his astonishment that there should be any difficulty in the case, "for have not we," said he, "bought them, and a right to tax them? pray, for what end did we give the equivalent?" Lockhart instantly got up and said, "he was glad to hear now publicly acknowledged by the right honourable gentleman; a truth of which he had never doubted, that Scotland had been bought and sold, but he much admired to hear, from one who had so great a hand in the purchase, that the equivalent was the price; as nothing was more certain than that the equivalent was paid to Scotland on account of a sum with which the Scottish customs and excise were to be charged, and which was to go to the payment of English debts contracted before the union. Since, therefore, Scotland was bought and sold, it must have been for a price never yet brought to light, and he would be extremely glad to know what the price amounted to, and who received it? Before the union," he added, "they were told many fine things about the communication of trade, and about the due regard that would be had to the circumstances and abilities of the united kingdom, and the Scots had trusted

this and much more to English honour ; but this tax, which went wholly, or at least chiefly, to affect Scotland, and that in the most tender part, and the other treatment they had already experienced, rendered but too apparent what would be the consequence of such unlimited confidence. He was glad, however, that gentlemen spoke plainly, as it taught the Scots what they were to expect, and justified the conduct of those who had opposed the scandalous and pernicious sale of their country." The duty was notwithstanding imposed, only, instead of being paid by the piece, it was allowed to be paid by the yard, an alteration of considerable importance, as the pieces in England measured forty yards, whereas in Scotland they seldom exceeded ten.

A more unjust and irritating proceeding followed. Mr. Yeaman, member for Dundee, presented a bill for regulating the linen trade in Scotland, fixing the length and breadth of the webs, rectifying several abuses in bleaching, appointing public stamps to be affixed on all cloth exhibited for sale, and prohibiting the exportation of linen yarn. To this last clause, some gentlemen who had estates in Ireland strongly objected ; for the Scottish linen yarn being useful to the Irish trade, parliament was bound, they said, to reject it ; because, their woollen stuffs not being allowed to be carried to England or the plantations, the English had engaged on all occasions to encourage the Irish linen manufacture. Mr. Baillie replied, that if the Scots had insisted that the ten thousand pounds given annually to the Irish for improving their linen manufacture should be stopped, because it interfered with their interest, there might have been some cause for opposition ; but it was very hard that the Scots should not be allowed to preserve the manufacture, and improve the produce of their own country to the utmost ; and the laird of Carnwath added, " He wondered to see so small and withal so just a demand meet with such opposition ; that he always knew and believed that Scotland must yield to England, but he did expect she might have stood her ground against Ireland ; but this and sundry other mistakes, he perceived, would soon be cleared.

Mr. Bromley then interposed, "The sum of the present debate," he said, "amounted to this, that whatever was or might be the laws of Scotland, yet now she was subject to the sovereignty of England, and must be governed by English maxims and laws, and Ireland must not be ruined, to humour a few North British members." As he was proceeding, Lockhart, who would not suffer the honour of his country to be insulted with impunity, called him to order. "Scotland never was," said he indignantly, "nor ever would be, subject to the sovereignty of England. He had often observed, when gentlemen spoke, they talked of the trade, liberty, &c. of England, which he was inclined to believe had proceeded from custom and inadvertency, but now there was too much reason to suppose that some gentlemen did really think the interest of England comprehended that of Great Britain, or at least that the other part thereof was little to be regarded;" and he concluded by politely observing, that the gentleman's arguments were as empty as his expressions were unmannerly.

On this occasion the exertions of the Scottish members were successful, and the bill passed the commons. But in the house of peers, where the whig interest was strongest, not only was the obnoxious clause rejected, but an amendment was proposed, allowing Irish linen to be exported to the colonies duty free for five years, after the expiration of five years which had been previously granted; and this, which was in fact a prohibition of Scottish linen, was carried, with only about six dissentient voices, besides the Scottish peers.

When returned to the commons, the indignation of the North Britons was so vehement, that the amendments were ordered to be considered some six months after, and the bill was lost. But it left another rankling sore in the minds of the generation who sighed over the lost independence of their country, whose patriotic feelings were still farther corroded by the rejection of a measure which might have greatly benefited Scotland, and could have done no possible harm, whatever advantage, to England. The extensive forests in the north were entirely unavailable for any

useful purpose, on account of their distance from a market, arising from their mountainous site, and the almost total want of roads; and a number of noblemen and gentlemen, who possessed what might have been rendered a very productive source of wealth, derived no advantage from the bounty of nature. Some of them, who had calculated upon their own personal emolument, and others, who expected great national advantage from the improvement of plantations, thought it but a reasonable request to require that naval stores should have the same encouragement when brought from thence to England, as when imported from Norway or America. But a bill which passed the house of commons for this purpose, was likewise lost by the amendments proposed in the house of lords.

An abortive and ill-timed attempt to place an addition to the salary of the judges on the customs of Scotland, the surplus of which was appropriated to the encouragement of trade, instead of the civil list of Great Britain, kept up the irritation; and in this state of the parties, even an accidental error of a clerk was construed into an intentional injury done the Scots. This natural mistake, which Lockhart calls "ane unaccountable enuff story," happened thus:—When a duty was granted upon all coal exported from Britain, an exception was made in favour of coal exported from the west of England to Ireland, or the Isle of Man. This exception, upon the motion of a Scottish member, was extended to the west coast of Scotland also, by inserting the word Britain in the bill; but when the act was engrossed, the clerk carelessly retained or substituted England, and thus it received the royal assent. It was rectified when discovered, but the incredulous Scots would scarcely be persuaded that the alteration was not intentional.

Without confidence in either party, the situation of Scottishmen who were sincere lovers of their country, was at this juncture exceedingly perplexing. The whigs, their natural allies, were almost all episcopalians; they had shown their disregard for the articles of union, and in matters relative to Scotland they had sacrificed her interest,

whenever it came in contact with that of England. The tories' professions of respect for the security of the presbyterian church, as by law established, were as strong as the whigs'; and a number of them had voted against the encroachments upon the Scottish constitution. When the change of administration, therefore, took place, had the northern representatives acted upon the principle of voting unitedly, disinterestedly, and independently, they might have obtained an elevation in the senate which would have enabled them to hold the balance between the conflicting factions, and rendered it impossible for either to act in opposition to their decided opinions. But they were divided among themselves; and it would perhaps be asking too much of human nature, to require any body of men of any nation to act long consistently together for the good of their country, when their private interests are daily assailed, and they are furnished with specious arguments to defend, or apologize for deserting it. A majority joined the tories, and for a while several of the leading Scottish members, who had supported the last, adhered to the present ministry: nor did they think they forgot their principles or their country when they did so.\*

The earl of Islay, placed in this predicament, thus justified himself and his brother Argyle, in a confidential letter to Carstairs,—“I was always of opinion it was obviously our interest not to mingle ourselves too much with the factions here—I mean as Scottishmen; for, it being very plain that no party here has our country much at heart, exasperating any side might at some conjuncture or other, draw both upon us and crush us at once. The queen has been

\* Though I use whig and tory as the distinctive names of two factions which divided the British parliament, the reader will observe, that while the terms are the same, the parties are widely different from the Scottish who were similarly designated. There the whigs were all presbyterians, and the tories to a man jacobites. In England both were episcopalian, but a majority of the tories were friends to the protestant succession, and in their own way as much opposed to the papists as the Scots.

pleased to remove the earl of Sunderland, as 'tis said, for behaving himself disrespectfully towards her, and some are so bold as to presume to censure even her majesty's taking that step; I for my part think it my duty to approve of it, as I shall of any other alteration she may happen to make; and think our interest both of church and state as secure, under these she may employ, as it has been hitherto. I flatter myself that my brother and I have not been the least zealous for the maintaining the rights of our church where they have been concerned; and we dare never—though there were no other reason—enter into any other schemes, because, to speak plainly, we know very well, and I am sure, our forefathers felt it, the mercy of our enemies."

Considerable attention had for some time been excited in Scotland, by clandestine attempts to introduce the use of the English liturgy in the Scottish episcopalian worship. The Scots of other days had always resisted this innovation as subjection to the English church, even those among them who submitted to the authority of bishops; and both the prejudice and law of the country being against it, they who adhered to this communion never yet attempted to revive what had been the original moving cause of all the troubles of their church. When the chaplains of some English regiments, who happened to be stationed in Scotland on the rumoured invasion, introduced that form, some of the presbyterian ministers interfered, and with a degree of bigotry which ill accorded with the situation of persons who were trembling for their own liberty, prevented not only the use of the prayer book, but even stopped their preaching to their own people. This occasioned a controversy, which ended, as all such controversies should do, in procuring for the episcopalians that liberty which they had so long denied the presbyterians, and which the presbyterians now wished to deny them—the liberty of worshipping God according to their conscience, in the manner which they deemed the most agreeable to the practice of antiquity.

When this controversy was at its height, a Mr. Green-shields, the son of a Scottish episcopalian clergyman who

had lost his church at the revolution, and retired to Ireland, having been admitted to holy orders by a Scottish bishop, after he had served a cure for several years in Ireland, returned to Edinburgh, and opened a meeting-house, where he used the liturgy of the church of England, which had not heretofore been used in any of the episcopalian chapels. The presbytery summoned him to appear before them, in order to inquire into his licence and authority to exercise ministerial functions; and upon his declining their jurisdiction, prohibited him to exercise any part of the holy ministry within the bounds and liberties of Edinburgh. He still persisting, information was lodged with the magistrates, who, upon receiving intelligence of this heinous offence, proceeded forthwith and shut up the meeting house, and committed the parson to prison with as much alacrity as ever their predecessors had hunted out a conventicle. Mr. Greenshields then applied for a bill of suspension and liberation, which was refused, unless he would find security never to exercise any part of his ministerial function in that city, which he refused to do. His case was then brought before the Court of Session, by an action against the magistrates of Edinburgh for wrongous imprisonment, where the sentence of the magistrates was affirmed, upon which he appealed to the house of lords; but their lordships were then wholly taken up with Sacheverel's impeachment, and did nothing in his business. Next year, the tories being triumphant, when the appeal came to be heard, the sentence of the lower court was reversed, and the magistrates of Edinburgh found liable in very heavy damages; a decision which, however distorted by party prejudice at the time, must now, when reviewed calmly, be pronounced equitable, just, and right.\*

This decision, which gave high dissatisfaction to the presbyterians, and wrested the power of persecution from their church courts, delighted the jacobites, for almost the whole of the Scottish episcopalians were adherents of the house of Stewart; and some idea of the importance they

\* Case of Mr. Greenshields, Edin. 1710. Lockhart Papers, vol. i. p. 345—348.

attached to it may be formed from what Lesley\* says in a memorial presented to the court of St. Germain, on his arrival in France in April 1711. "Since the revolution, there has not been so great a confusion of councils and of measures in England as there has been since the last change in the ministry; and the affair of Greenshields, a minister of the church of England, whom the parliament has lately protected against the presbyterians of Scotland, has irritated the latter to such a degree, that they would concur in whatever might deliver them from the union with England, which is universally detested in Scotland, where they are all persuaded, that nothing can deliver them from it but the return of their sovereign.†

Always deceived, yet always sanguine, the jacobites imagined this now no dubious or distant event, and the pretender was himself not less sanguine. The doctrines advanced by the advocates of Sacheverel, and repeated in the addresses, he considered as so many decisive proofs that his hereditary rights must be universally acknowledged, at least by the majority of the nation, of whom he thought the tories, who now ruled the storm, were at once the leaders and the multitude; and the exaggerated and furious accusations of the whigs, who represented them all as his friends, confirmed his belief. Full of these high hopes, he ordered, about the time of Sacheverel's trial, a medal to be struck, bearing a head, on the right side, with the legend—*Cujus est?* whose is it? and on the reverse the British islands, with a motto—*Reddite*, Restore. Several of these had been circulated among the officers of the British troops in the Netherlands, and some had reached his friends in Scotland. The duchess of Gordon, in the height of her zeal, presented one to the faculty of advocates; but Burnet, their dean, at first hesitated about receiving it, till having consulted some of the members of the faculty, he presented it at the next meeting, for their ac-

\* Lesley, the well-known non-jurer clergyman, author of the *Rehearsals*.

† Stuart Papers, 1711.



ceptance to be placed among the other coins and medals in their repository. The greater number of the advocates had ever remained friendly to the house of Stuart, and would willingly have received it, but the overofficiousness of the dean, who styled it a medal of James the Eighth, whom the English called the pretender, and moved that thanks should be voted to the duchess of Gordon for her present, obliged her majesty to interpose.

They insisted that it should be returned to her grace, as receiving it "was throwing dirt in the face of government, and owning a right contrary to her majesty's." "Oliver Cromell, who deserved to be hanged, his medal," said a Mr. Robert Fraser, "and the arms of the commonwealth of England, had been received, and why not this?" "When the pretender is hanged," retorted Duncan Forbes, "it will be time enough to receive the medal," in which opinion Mr. Joseph Hume of Nicholas, Mr. Hugh Dalrymple, Mr. James Fergusson of Kirkennel, and sir James Stuart of Goodtrees, coinciding, Dundas of Arniston rose in wrath, and replied, "Dean of faculty, whatever these gentlemen may say of their loyalty, I think they affront the queen, whom they pretend to honour, in disgracing her brother, who is not only a prince of the blood, but the first thereof; and if blood can give any right, he is our undoubted sovereign. I think, too, they call her majesty's title in question, which is not our business to determine. Medals are the documents of history to which all historians refer; and therefore, though I should give king William's stamp, with the devil at his right ear, I see not how it could be refused, seeing an hundred years hence, it would prove that such a coin had been in England. But dean of faculty, what needs farther speeches? None oppose the receiving the medal, and returning thanks to her grace, but a few pitiful scoundrel vermin and mushrooms, not worthy our notice. Let us therefore proceed to name some of our number to return our hearty thanks to the duchess of Gordon."

Overwhelmed by this polite and elegant address, the faculty voted, by a majority of sixty-three against twelve,

that thanks should be returned to her grace ; and to render them more acceptable, that they should be conveyed by Mr. Dundas and Mr. Hume of Westhall ; which was 'done accordingly, the former in a strain of elegance, rivalling his oratorical display at the meeting. " He returned her the most hearty thanks of the faculty for all her favours, particularly in presenting them with a medal of their sovereign lord the king ; hoping, and being confident, that her grace would very soon have an opportunity to compliment them with a second medal, struck upon the restoration of his majesty and the royal family, and the finishing of rebellion, usurping tyranny, and whiggery !"

A transaction so notoriously seditious having attracted the notice of the queen's advocate, sir David Dalrymple, the faculty called an extraordinary meeting, which was very numerously attended ; when they unanimously condemned the whole proceedings as the transaction of a party, ordered the medal to be delivered up to the lord advocate, made a most ample declaration of their duty and loyal affection to her majesty's person and government, and the protestant succession, as by law established ; and expressed their detestation of all practices that directly or indirectly might contain the least insinuation to the contrary, or give the smallest encouragement to the pretender. Dundas, whose jacobitism was fully a match for his judgment, wrote a vindication of his conduct more violent and treasonable, if possible, than his speeches ; but the printer carried the manuscript to the lord provost, and he transmitted it to the solicitor-general, who prevented the publication. An account of the first meeting of the faculty having been published in London, reached the court of Hanover ; and the elector ordered his minister, Baron de Kreynenberg, to present a memorial, requiring the prosecution of the offenders. With this request, the ministry complied in rather an extraordinary manner ; they removed sir David Dalrymple, with a reprimand for his omission of duty in not prosecuting the medalists, and bestowed the advocateship on sir James Stuart, for his activity in suppressing the vindi-

cation; but Dundas and his associates were allowed to remain unmolested.

In the midst of all these confusions and overturnings, Carstairs continued to manage the politics of the church with his wonted calmness and sagacity. He was averse to that contracted system and spirit which unfortunately prevailed among many of his co-presbyters, and would have prevented the episcopalians from enjoying freedom of worship: an enemy to persecution in any shape, he had not approved of the rigour with which Greenshields was treated, yet attached to the church over which he presided, he would not allow her to succumb to her envious rival. He was again chosen moderator this year in the assembly, to which the versatile Annandale was appointed commissioner; anticipating the storm that was brooding over the church, he made as decided a stand for her privileges as the circumstances in which he was placed would admit, and vindicated her from the groundless aspersions of her enemies with a warmth and vigour that remind us of her defenders of other days.

Placed in an extremely trying situation, he did not resort to intemperate language or precipitate measures: but he made no surrender of principle, and in the most delicate, yet sufficiently intelligible manner, he conveyed his distrust of those professions which he durst not directly say he disbelieved. The queen in her letter repeated, and the commissioner expatiated upon, her promises of protection and support to the church of Scotland, as by law established. Carstairs replied: after expressing the gratitude of the assembly for her gracious assurances, he proceeded, "Allow me, my lord, to take this opportunity of assuring your grace that her majesty hath not more faithful subjects in her dominions than the presbyterians of Scotland are. We are not ignorant that some of those of our nation that are ill-willers to our church do represent us to be a divided and despicable part of our nation, and that they boast of their numbers and of the vast disproportion as to these that is betwixt them and us. But we pray that the sovereign and good God may grant, that our native

country may never be so unhappy as ever to see an experiment made of what truth there is in this matter, or an occasion given to show the vast difference there is as to true resolution and firmness of mind betwixt a solid principle in which conscience is concerned and disaffected humours and party. We are not insensible that there are not a few that are waiting for our halting, and that methods have been used by some of them that are openly disaffected to the constitution of our church, to make us uneasy, and to tempt us to murmur; and for gaining their ends they would surmise that patronages were to be restored, well knowing what an important security to our church the abolition of them is, and how great a value we put upon the law that delivered us from them; but whatever suggestions or endeavours may have been as to this momentous affair, yet, blessed be God, they have had no other effect but to give us a fresh discovery of the wisdom, goodness, and equity of her majesty's conduct as to the concerns of this church. It's these shining virtues of our sovereign, and our trust in the public faith and the justice of a British parliament, that makes us confidently persuade ourselves that all the advantages that our church doth enjoy by law shall be preserved to us as sacred and inviolable."

With equal ability, the answer to the queen's letter, while it expressed the assembly's grateful sense of their present advantages, not obscurely intimated their fears for their continuance; and along with their wishes for her prosperity, and the stability of the protestant succession, they unreservedly declared their decided attachment to the house of Hanover. "That your majesty," say they in the conclusion, "may be compassed about with divine favour as with a shield, and always preserved both from deceit and violence, for the protection and comfort of the protestant churches, the happiness of your people, and the security of the liberties of Europe, and for procuring thereto a safe and honourable peace, and defeating all the hopes that adversaries may have of imposing a popish successor upon your dominions; that, after a long and happy reign upon earth, your majesty may be possess-

ed of a glorious immortality; and that the succession to the throne, after your majesty and the heirs of your body in the protestant line of the illustrious house of Hanover, may be firm and sure, are, and shall be the constant prayers of the ministers and elders met in this national assembly of the church of Scotland." This declaration they followed up by an act, recommending to all the ministers of the church, in their public prayers, after praying for the queen, expressly to mention the princess Sophia, electoress and duchess-dowager of Hanover, and the protestant line in that family, upon whom the succession to the crown of these dominions is by law established. And as the episcopalians, and some of the north-country curates who had conformed to presbytery, had been in the habit of praying for the queen and her successors, so as to imply that they meant the relict of James VII. and his son, the pretender, they added, "or that they pray in such terms as that their congregation may understand that they mean the princess Sophia, and the heirs of her body, being protestant,"

Till lately, the difficulty had been to procure preachers to supply the demand of the vacant charges; but the case was now so much altered, that the assembly had begun to take into consideration the prejudices that might arise to the church, from licensing too many probationers, or persons not duly qualified, and enacted sundry salutary regulations thereanent; but with an inconsistency not altogether unparalleled in public bodies, they continued to instruct their commission to receive such of the curates as remained, and were willing to conform, although they must have felt the disadvantages of receiving concealed enemies into their bosom, and were under the necessity of expressly providing against their machinations. At the close of the assembly the moderator noticed the attempts that were making against them, and in terms more explicit than at the opening, signified their fears; the commissioner replied, "that he could with great confidence assure them, that her majesty would give such effectual redress as would satisfy all of them that she had a very particular care of all their legal rights and privileges." And thus they parted.\*

\* Minutes of the General Assembly MS. Bib. Edin. Printed Acts.

Negotiations for peace had been going forward during the recess. The election of the archduke Charles to be emperor of Germany, which had recently taken place, would have rendered it as destructive of the balance of power in Europe, for him to wear the crown of Spain and the Indies, as for the grandson of Louis; and thus the main ostensible object of the war was removed. As it was the interest of the ministry to finish a contest, against the continuance of which they had so strongly declaimed, preliminaries were signed on the 27th September by Mr. St. John and the earl of Dartmouth; by which the French king engaged—to acknowledge the title of the queen and the protestant succession, and to take all just and reasonable measures for preventing the crowns of Spain and France being ever united; to put the Dutch in possession of such fortified places in the Netherlands as should serve hereafter as a barrier; to afford sufficient security to the empire and the house of Austria; and to demolish the fortifications of Dunkirk at the peace, on receiving a proper equivalent. The Dutch and the elector of Hanover were equally averse to these conditions, and not only remonstrated against them to the court of England, but published their memorials as appeals to the people. Immediately the tory writers exclaimed against the insult offered to the queen; and the October club,\* consisting chiefly of country squires, were easily induced to resent any foreigners' intermeddling with their affairs. On the other hand, the duke of Marlborough, who had been continued in his command, had illustrated the campaign by the most successful and brilliant generalship, which he concluded with the capture of Bouchaine, a place deemed almost impregnable; and the whigs, who had rejected offers more ample before this additional waste of blood, were violent in their outcry against sacrificing in the

\* This club consisted mostly of English country gentlemen, who were not in these days distinguished for profound political knowledge, but were furious for church and state. They were called "October," from being accustomed to drink at home "October brown beer," and sometimes the "tantivy," in allusion to their fondness for fox-hunting.

cabinet that glory the country had acquired at so much cost in the field.\*

Never did party passion run higher, and never before had the press teemed with such scurrilous personal invective on both sides, as during the period when they were mustering their forces for the parliamentary encounter. The Scottish jacobites continued to augur every thing that was favourable from the times: they had planned, before the rising of last session, the restoration of episcopacy, in which they were encouraged by the delusive promises of the courtiers, and had formed themselves into a secret committee for furthering this object,† which they considered as one grand step towards restoring the pretender. In this last project they flattered themselves they had the countenance of the queen; and the reception she had given to the Edinburgh county member, one of the most notorious among them, when he presented an address from his constituents in a very high monarchical style, was certainly a very imposing circumstance. After she had heard it read, she most graciously replied, and told him, although he had almost always opposed her measures, she did not doubt of his affection for her person; and hoped he would not concur in the design against Mrs. Masham, or for bringing over the prince of Hanover.‡ He answered he would never be accessory to any affront put upon her majesty; and as for the prince of Hanover, she might judge from the address, that he would not be acceptable to his constituents if he gave his consent for bringing over any of that family, either then or any time hereafter: at which she smiled, and he withdrew. When he was gone, she said to the duke of Hamilton, who had presented him, she believed

\* Lockhart's Commentaries, p. 340. Stuart Papers, 1811. Tindall, b. xxvi. Sommerville's Queen Anne, 450.

† It consisted of Carnegie of Boysick, Mr. James Murray, sir Alexander Erskine, lord-lyon-king-at-arms, sir Alexander Cumming of Cantir, and sir George Lockhart. Lockhart Papers, v. i. p. 338.

‡ The whigs had most impolitically proposed inviting the elector of Hanover's son, afterwards Geo. II., to England, in order to prop their sinking credit.

he was an honest man, and a fair dealer ; to which he returned, “ He could assure her he lik’d her majesty, and all her father’s bairns.”

It was probably from the repetition of such incidents, for there never seems to have been any direct communication before between them, that her brother, in the month of May, was induced to write Anne the following letter, “ Madam, the violence and ambition of the enemies of our family, and of the monarchy, have too long kept at a distance those who, by all the obligations of nature and duty, ought to be more firmly united, and have hindered us from the proper means and endeavours of a better understanding between us, which could not fail to produce the most happy effects to ourselves, our family, and our bleeding country.

“ But whatever the success may be, I have resolved now to break through all reserve, and to be the first in an endeavour so just and necessary. The natural affection I bear you, and that the king our father had for you till his last breath, the consideration of our mutual interest, honour, and safety, and the duty I owe to God and my country, are the true motives that persuade me to write to you, and to do all that is possible for me to come to a perfect union with you. And you may be assured, madam, that though I can never abandon, but with my life, my own just right, which you know is unalterably settled by the most fundamental laws of the land ; yet I am most desirous rather to owe to you than to any living, the recovery of it. It is for yourself that a work so just and glorious is reserved. The voice of God and nature calls you to it ; the promises you made to our father the king enjoin it ; the preservation of our family, the preventing of unnatural wars require it ; and the public good and welfare of our country recommend it to you, to rescue it from present and future evils, which must, to the latest posterity, involve the nation in blood and confusion, till the succession be again settled in the right line.

“ I am satisfied, madam, that if you will be guided by your own inclinations, you will readily comply with so just and fair a proposal as to prefer your own brother, the last



male of the name, to the duchess of Hanover, the remotest relation we have, whose friendship you have no reason to rely on, or to be fond of, who will leave the government to foreigners of another language, of another interest, and who, by the general naturalization, may bring over crowds of his countrymen to supply the defect of his right, and enslave the nation. In the meantime I assure you, madam, and am ready to give all the security that can be desired, that it is my unalterable resolution to make the law of the land the rule of my government, to preserve every man's right, liberty, and property, equally with the rights of the crown, and to secure and maintain those of the church of England in all their just rights and privileges as have been established; and to grant such a toleration to dissenters as the parliament shall think fit.

“Your own good nature, madam, and your natural affection to a brother, from whom you never received any injury, cannot but incline your heart to do him justice, and as it is in your power, I cannot doubt of your good inclinations. And I do here assure you, that in that case no reasonable terms of accommodation which you can desire for yourself shall be refused by me. But as affairs of this moment cannot be so well transacted by letters, I must conjure you to send one over to me fully instructed and empowered by you, or to give security for such an one from me; for by that way only things can be adjusted to our mutual satisfaction, which shall be managed on our side with the utmost secrecy. I have made this first step towards our mutual happiness, with a true brotherly affection, with the plainness and sincerity that becomes both our rank and relation, and in the most prudent manner I could at present contrive; and will be directed by you in the prosecution of it, relying entirely on your knowledge and experience as to the means and instruments.

“And now, madam, as you tender your own honour and happiness, the preservation and re-establishment of our ancient royal family, the safety and welfare of a brave people, who are almost sinking under present weights, and have reason to fear greater; who have no reason to complain of

me, and whom I must still and do love as my own, I conjure you to meet me in this friendly way of composing our difference, by which only we can hope for those good effects, which will make us both happy, yourself more glorious than all the other parts of your life, and your name dear to posterity."

What effect this appeal to the affection, feelings, and promises of his sister, had upon Anne, we cannot now even guess; the ambition, love of power, or love of country, or by whatever name it may be called, which enabled her to resist the claims of a father, when the crown was in prospect; was not likely to yield to the application of a brother she had never seen, whose birth she had even affected to treat as supposititious, now that it was upon her head. Harley was ignorant of the intentions of the queen, but he knew she possessed the natural aversion of sovereigns to their successors; and while enjoying her favour, he did not choose to obscure the evening beams of enthroned majesty, even for the rays of a rising sun; he therefore disapproved the introduction of the prince of Hanover, and gave no encouragement to the applications of the pretender.

After several prorogations, parliament met on the seventh of December; and the queen, in her speech, announced "that, notwithstanding the arts of those who delight in war," the time and place were appointed for opening the treaty of a general peace. The earl of Nottingham moved, in the house of peers, that a clause should be inserted in the address, expressing their opinion "that no peace could be safe or honourable for Great Britain or Europe, if Spain and the West Indies were allotted to any branch of the house of Bourbon;" which was carried by a majority of four. But the house of commons, in more complaisant language, assured her majesty, "that they would use their utmost endeavours to disappoint as well the arts and designs of those who, for private views, might delight in war; as the hopes the enemy might have vainly entertained of receiving advantage from any division among them."\*

\* Lockhart, who was one of themselves, has handed down to us a very spirited sketch of this assembly. "The house of commons, though

Another question, respecting the privileges of the Scottish peerage, was the next subject that divided their lordships. The duke of Hamilton had been created a British peer, by the title of duke of Brandon; but when he came to take his seat, the whole of the whig strength mustered against him, although Queensberry had been admitted without the smallest objection. His cause was warmly espoused by the court, and the queen herself had deigned to solicit for him; but in the face of the plainest reasoning, in spite of precedent, and in violation of the principles of the union, and the undoubted prerogative of the crown, the spirit of party prevailed. None of her majesty's rights, it was observed, was more clear or indisputable than that of bestowing honours without restriction; and all subjects of the united kingdom were capable of receiving them; the commons of Scotland could, without dispute, be created British lords of parliament; and it was strange to assert, that their nobles should be the only persons in the empire

all of them are vested with equal powers, a very few of the most active and pragmatical, by persuading the rest that nothing is done without them, do lead them by the nose, and make mere tools of them, to serve their own ends. And this I suppose is chiefly owing to the way and manner of electing the members; for being entirely in the hands of the populace, they for the most part choose those who pay best; so that many are elected who very seldom attend the house, give themselves no trouble in business, and have no design in being chosen even at a great expense, but to have the honour of being called parliament-men. On the other hand, a great many are likewise elected who have no concern for the interest of their country, and, being either poor or avaricious, aim at nothing but enriching themselves; and hence it is that no assembly under heaven does produce so many fools and knaves. The house of commons is represented as a wise and august assembly; what it was long ago I shall not say, but in our days it is full of disorder and confusion; the members that are capable and mindful of business are few in number, and the rest mind nothing at all. When there's a party job to be done, they'll attend and make a hideous noise like so many Bedlamites; but if the house is to enter on business, such as giving of money, or making of public laws, they converse so loud with one another in private knots, that nobody can know what is doing, except a very few who for that purpose sit near the clerk's table; or they leave the house and the men of business, as they call them, to mind such matters." *Commentaries*, p. 350.

incapable of enjoying any accession of dignity. In the act of union, the peers of Scotland were, "by virtue of that treaty," to have a representation of sixteen for their whole body; and they appealed to the English commissioners, who durst not deny the fact, whether that clause was not purposely inserted to capacitate and not to disqualify: their decision, that Queensberry, when created a British peer, had lost his right of voting as a Scottish, was also urged without effect. The act of union, it was replied, had made all the peers of Scotland peers of Great Britain in every other respect, except that of sitting and voting in parliament, which privilege was vested in their sixteen representatives; and although the queen might give them what titles she pleased, their incapacity of being peers of parliament was settled by law, and the prerogative limited as to that. The duke of Dover had indeed been admitted, but he had never been challenged, and that was rather an oversight than a precedent. In reply, it was allowed that the queen could not grant the right of sitting or voting in the British house of peers to a Scottish lord; but it was asked by what deed had she deprived herself of the right of creating any of her subjects a British peer, and the case of the duke of Dover was express, when a Scottish nobleman became a British peer, he sat as such, and not as Scottish.

But the whole power of the crown, and of the representation of Scottish nobility, was exerted in vain. It was then proposed that the opinion of the twelve judges should be asked, but this also was negatived, and the whigs had the honour of carrying this encroachment upon the prerogative by a standing majority of fifty-seven against fifty-two, and under a protest. The Scottish peers, justly incensed at this decision, signed a representation to the queen, complaining of it as a breach of the union, and a mark of disgrace put upon the whole peerage of Scotland, who were thus stigmatised as the only description of persons in the nation incapable of being admitted to the honours of the British peerage, and they withdrew in a body.

The ministry, who now found it impossible to carry any measure in the house of lords, were emboldened by this

flagrant encroachment upon the rights of the crown, to exert them in a manner liable to no legal quibble, and, to defeat a faction, had recourse to an exertion of the prerogative which, nothing but such determined obstruction of the regular movements of government could justify, they created twelve commoners peers in one day, and thus secured a majority for themselves in the upper house.\*

After this reinforcement arrived, the queen, who interested herself anxiously in behalf of the duke of Hamilton, sent a message to the lords, January 17, 1712, expressing her desire for their advice, to find out the best method of settling the affair to the satisfaction of the whole kingdom. In consequence, the lords resolved, “ that the sitting of the peers of Great Britain, who were peers of Scotland before the union in that house by election, was alterable by parliament, at the request of the peers of Great Britain, who were peers of Scotland before the union, without any violation of the treaty ;” and the Scottish seceders, satisfied with the door being thus left open for a revisal of the vote, returned to their seats ; but justice was not done to the noble family of Hamilton, and to the nation, till 1782, when, upon a petition from the duke, the opinion of the twelve judges was required, who unanimously agreed that his grace was entitled to be summoned to parliament as duke of Brandon, and that his majesty was not restrained by the twenty-third article of union from creating Scottish peers, peers of Great Britain.

Having been thus successful against the crown, their lordships next turned their artillery against the people. The occasional conformity bill, which had miscarried three times, and lain dormant for some years,

\* This batch of peers occasioned much remark in England at the time. The first day they were introduced into the house, upon the question of adjournment being about to be put, the earl of Wharton asked them, whether they meant to vote individually, or by their foreman ? And the heroic line of a celebrated actress, uttered in the delirium of a fever, was often repeated.

Ha ! ha ! and so they make us lords by dozens !

Burnet, v. vi. *Memoirs of Mary Anne Bellamy.*

was now revived under another name. It was entitled "an act for preserving the protestant religion, by better securing the church of England; and for confirming the toleration granted to protestant dissenters by the act exempting them from the penalties of certain laws, and for supplying the defects thereof," but beneath this title lurked as base an attack upon religious liberty as its enemies could have desired, and the worse for being so hypocritically done. By it all persons holding places of profit and trust, who should be present at any meeting for divine worship, where there were above ten persons more than the family, in which the book of common prayer was not used, or where the queen and princess Sophia were not prayed for, were liable to forfeit their situations upon conviction, and declared incapable of being employed in the public service, till they should depone, that for a whole year together they had been at no conventicle; and it also enacted that all the practitioners of law in Scotland should take the oath of abjuration before the month of June. The whigs, as if deprecating the vengeance of the high church party, supported this bill, which entirely destroyed the political rights of the dissenters, and presbyterians in England, Ireland, and in the colonies! And in order to obtain the very doubtful aid of the earl of Nottingham, gave their countenance to a principle of exclusion which, if they had sincerely possessed that pure love of liberty of which they boasted, no earthly consideration would have tempted them to advocate. Their only excuse was, that if they had not anticipated the tories, they would have brought forward a bill the penalties of which would have been more heavy; but the dissenters, who detested the apology, could not be persuaded that these men consulted their interest who consented to their oppression.\*

While the whigs were thus making inroads upon the cause of freedom in the house of lords, the jacobites and tories, by a curious inversion, were unintentionally extending its

\* Journal of the house of lords, Oldmixon, p. 481, Tindal, Book xxvi; Sommerville's queen Anne, p. 459, 60.

legitimate boundaries in the house of commons. As a first step towards reintroducing episcopacy, the secret committee of the jacobites had resolved to obtain for those of that form a legal toleration, and a bill for this purpose was originated in the house of commons. Its preamble was sufficient to procure for it a majority of the English representatives, and seemed so reasonable, that its opponents, in a country where the use of the liturgy was established by law, found it difficult to adduce any argument against it; its tenor was thus:—an act to prevent the disturbing those of the episcopal communion in that part of Great Britain called Scotland, in the exercise of religious worship, and in the use of the liturgy of the church of England; and for repealing the acts of the Scottish parliament, by which they were subjected to the jurisdiction and discipline of the presbyterian church courts, and forbidding the civil sanction to their sentences. Accordingly, only seventeen in the house of commons voted against it, of whom fourteen were Scottish members, and it was equally successful in the house of lords; but an amendment, moved there at the suggestion of some of the presbyterian peers, which was rejected when sent back to the lower house, clearly evinced that whatever motives induced that division of the legislature to favour toleration, a rational regard for freedom was not among the number.

Notwithstanding the fair speeches of Annandale at the last assembly, the suspicions of the presbyterian ministers had not been lulled, and the commission, who kept a watchful eye upon the movements of their enemies, apprised of what was going forward, deputed Messrs. Carstairs, Blackwood, and Baillie to London, to watch over the interest of the church. Carstairs had ever been an enemy to persecution, and while the bill was pending in the commons, he, together with some of the tory members and lord Islay, had a conference with the leading jacobites who were pushing on the business. He told them that he and his colleagues had no objection to the general principle of the bill; as the dissenters in England enjoyed a freedom of worship, he saw no reason why episcopalians in Scotland

should not be treated with similar indulgence; but he thought that removing the civil sanction from ecclesiastical censures, would open a wide floodgate for prevailing iniquity. To this a very adequate reply was given; that the magistrate would always possess the power of punishing civil offences, and that the presbyterian ministry would still retain the right of passing church censures; which, as their members professed to make conscience of submitting to, they would be sufficiently able to watch over their morals, and the episcopalians would attend themselves to the purity of their own connexion.

Knowing that all opposition in the commons would be fruitless, the presbyterians allowed it to be quietly hurried through, reserving themselves for the lords. Here a difficulty occurred, respecting the title to be given to the peers, which, to the grief of their more rigid and consistent brethren, they contrived to surmount, by acknowledging the bishops as part and portion of the legislature, and presented a petition to the "lords spiritual and temporal" against the act; their lordships, however, appearing inclined to be nearly as unanimous as the commons, the opponents of the bill proposed that, to prevent popish priests and jacobites from taking advantage of this toleration, all who accepted of it should, within a certain time, subscribe the oath of abjuration. This the others could not well object to, and they consented, on condition the ministers of the established church were at the same time compelled to come under the same obligation; because it was well known that they hesitated about some expressions in the oath. In the act of succession, one of the conditions on which the successor was to be received, was his being of the communion of the church of England, and by the oath of abjuration, the succession was sworn to as limited by that act:—the word limited implied only the entail of the crown; but the relative "as" being considered to imply an approval of the condition, it was proposed to substitute "which was" in its place, making the sentence simply narrative. This alteration, which would have satisfied the scrupulous consciences of all the presbyterians, and would



only have stumbled a few of the pretender's friends, was adopted by the lords; but the jacobites, who were too much accustomed to evasions themselves not to perceive the design, determined, if they were to be saddled with an oath, it should sit as uneasily on the backs of the presbyterians as on those of their brethren. The word "as" was therefore restored to its place by the commons. But the Scottish jacobite leaders, aware that there were many ministers in the established church who feared an oath, were anxious to get the act framed in such a manner as would expose them to the penalties of law as well as the jacobites, they therefore assailed the English tory lords; "To such of them as they knew designed right things," Lockhart informs us, "and with whom they might speak freely, they represented, that if the oath passed as amended by them, the bill would do more harm than good, for none of the episcopal clergy would on any account swear that oath; and it was so cook'd up as to pass glibly with the presbyterians, who, in that event, would prosecute the episcopal clergy if they claimed the benefit of this law, and did not swear the oath; but if what the presbyterians scrupled at in the abjuration was inserted in this oath, a great many of the presbyterians would likewise refuse it, and in that event the episcopal clergy would not be molested, lest the presbyterian non-jurant clergy should be treated after the same manner. To other lords, with whom they were obliged to be more reserved, they represented that it was a bad precedent to allow any alterations in a general oath required for the security of a government; that, in the present case, such as wished well to the church of England should desire to have her equally well with the state; and there was no reason why any alteration should be made in the oath, so as to leave the enemies of the church at liberty to destroy her, as their inclination, and the covenant which they thought binding, led them to."

Convinced by these arguments, the lords allowed the obnoxious relative to stand, and the presbyterians had the miserable consolation of perceiving that the efforts of their

friends for their relief had produced only an apple of discord for themselves. The act itself remains a monument of the wisdom of that providence which overrules the evil passions of men, and renders them subservient to ends the very opposite of those they intended:—the mutual efforts of these two parties to shackle each other having produced a statute which conferred a greater degree of freedom upon both. Coupled with this act were two others, restoring church patronage and the yule vacance, intended by the jacobites to effect the same object—the one, by affording easy access to parishes for men of doubtful principles, would have paved the way for the admission of curates; and the other, by reviving the christmas holidays, was intended to remind the people of the gaiety of the abolished religion, when contrasted with the unsociality of the established;\* but, although happily frustrated in their main object, these acts were productive of very important consequences, especially that of restoring patronage.

Patronage had ever been considered by the reformed church of Scotland a burden and a grievance of which they never ceased to complain, till it was abolished by law—[*Vide* Vol. IV. p. 364.]—along with other abuses it was restored at the restoration, but abolished again after the revolution—[*Vide* Vol. V. p. 390.]—and was expressly excluded from the church constitution of Scotland, which was ratified and confirmed by the act for securing the protestant religion and presbyterian government; and engrossed as an essential condition of the ratifications of the treaty of union passed in the parliaments of both kingdoms, and which constitution, in its purity, as then established, was declared to be secured for ever! Throughout all Scotland the aversion to patronage was universal, and even the patrons in general had expressed no wish to regain the power, but the ministers, as more nearly concerned, were more zealously affected in the cause; the deputies of

\* The disregard of holidays formed a distinctive characteristic between the papists and the reformed, *vide* Vol. I. p. 244—note; and the Scottish presbyterians were always particularly averse to “*Sanctes Days*.”

the commission presented to the house of lords an excellent and moderate representation, narrating the history of patronage;—and claiming, that the tenor of the sacred stipulations of the treaty for which the national faith was pledged, should be infrangible; stating also that the restitution of patronage, while, in point of presentation, it would only gratify a few, must necessarily disoblige a greater number, and that many, and these the most considerable of the patrons, were opposed to it: that it would give rise to disorders and differences betwixt patrons, presbyteries, heritors, and people; that a foundation would be laid for simoniacal pactions betwixt patrons and those presented by them, and that ministers would thus be often imposed upon parishes, by men who were utterly strangers to the circumstances of the people, having neither property nor residence among them.

Remarks upon this representation were instantly circulated by those friendly to the act. The palpable breach of the union treaty was thus got rid of. They insisted that the act abolishing patronage, not being narrated in the act for securing presbyterian church government, was not guaranteed by the union; and besides that that act, although entitled an act for abolishing patronage, was merely a transfer of the power of presentation, and a pure cheat upon heritors, elders, and people: for when a vacancy happened, the presbytery carefully considered how many heritors there were in the parish of their party, and immediately proceeded to create as many elders as would outnumber them if they were heterodox; and these elders—one would be ashamed to tell what kind of gentlemen many of them are—blindly followed the inclinations of the presbytery, so that the presentation was in fact in the hands of the presbyteries; and if that came to fail, they were still judges, whether the persons presented were fit or not, which he was as they pleased; and what power, they asked, have the people more than under patronage? no man could then be inducted into a benefice upon a presentation from the patron; if the people refused them upon competent grounds, another fell to be presented against whom there

was no proper objections, and is not the case the same now?\*

The act passed with little opposition, the English peers not caring much about the matter, and the bishops being almost entirely in its favour. The jacobite laird of Carnwath, who claims the merit of having procured both these obnoxious decrees, exultingly declares his motives in his commentaries. "I prest the toleration and patronage acts more earnestly, that I thought the presbyterian clergy would be more from thence convinced that the establishment of their kirk would in time be overturned, as it was obvious that the security thereof was not so thoroughly established as they imagined."†

Grieved and perplexed at the failure of their deputation, the commission of the church, as soon as they heard of the toleration bill being passed, addressed the queen, imploring her protection against the imposition of the abjuration oath, which their own friends had most unluckily been mainly instrumental in obtaining. For they were perfectly sensible that a number of the most respected ministers would not comply; and many of them believed that the parliament of Great Britain did not possess the power of annulling that fundamental deed by which they legislated for Scotland; and which had expressly provided that "none of the subjects of Scotland should be held to, but all and every one of them for ever free of, any oath, test, or subscription within Scotland, inconsistent with the presbyterian church establishment." In consequence the oath never was pressed by government, and the presbyterians were too glad to have their own shoulders freed from the yoke, to insist upon its being very straitly fastened

\* That this statement is not greatly overcharged is pretty clear from several instances noticed, as not uncommon occurrences, in Boston's *Memoirs*, 8vo. a work which contains much information with regard to the internal state of the church, from the commencement of queen Anne's reign, till the last trial of professor Simpson. Mr. Davidson of Gallashiels' *Letters* throw considerable light on the same subject. I have also got assistance from a MS. *Diary* of Mr. Hog of Carnock's, which I obtained from a descendant of his.

† *Lockhart Papers*, vol. i. p. 418. *Carstairs's State Papers*, Appendix, Tindal, b. xxvi. *General assembly MS.* Printed acts, 1712.

round the necks of the episcopalians. But, as the proposers of it anticipated, it occasioned heart-burnings and divisions among the presbyterians themselves; between those who had been trained in the school of persecution, now wearing away, and the conforming curates, whose mixture with the body had greatly tended to deteriorate the mass.\*

Forbearance is a word of so lovely an import, that little as the persecuted themselves were liable to be imposed upon by it, they could not always resist it; and it is not therefore to be wondered at, if their less sturdy successors, who did not so earnestly contend for the truth, nor so eagerly watch against what they thought error as their fathers, were often deceived by the enemy approaching under so amiable a guise. The consequence was, that the presbyterians exhibited a strange mixture, for although none had been admitted who did not sign the orthodox formula of the church of Scotland, as members of her courts; yet many had obtained seats whose qualifications were at best but negative, and if free from gross error in doctrine, or immorality in conduct, were lax in their notions of discipline, and lukewarm for the peculiarities of their creed. These, tainted with the leaven of deposed prelacy, were willing to be persuaded that there was nothing wrong in a little evasion, and if they did not swear to a direct lie, there was no great harm done; they made no scruple in taking the oath, with a very ambiguous explanation. The others who conceived that falsehood was never so vile as when conveyed in the garb of truth, would hear of no explanation which did not convey the direct downright sentiments of those who subscribed it; they utterly refused the oath, and were preparing to surrender their livings rather than violate their consciences. With these opposite views the two parties,—the latter unfortunately a minority,—awaited anxiously the meeting of the next general assembly.

\* The commission of the general assembly, in their representation to the queen, inform her “that since our late happy establishment there have been taken in and continued hundreds of dissenting ministers upon the easiest terms.”

John, duke of Athole, was appointed her majesty's commissioner to "the general assembly of the church of Scotland, holden and begun at Edinburgh upon Thursday, the first of May, one thousand seven hundred and twelve years." He brought the most ample assurances of protection; and "lest," said the royal epistle, "any late occurrences may have possessed some of you with fears and jealousies, we take this solemn occasion to assure you, it is our firm purpose to maintain the church of Scotland as established by law; and whatever ease is given to those who differ from you in points that are not essential, we will however employ our utmost care to protect you from all insults, and redress your just complaints;" it concluded by expressing her majesty's approbation of the commissions' address. Athole in a short speech merely repeated the substance of the letter. Hamilton, professor of divinity in Edinburgh university, conveyed with freedom the sentiments of the assembly in reply. "We cannot conceal upon this occasion," said he, "that things have been done of late wherewith we are most deeply affected, and which may probably lead this assembly to consider seriously of what may be proper for them to do upon such emergents, that they be not found wanting in their duty as to what is entrusted to them; and as we will be careful to exoner our consciences with faithfulness and zeal for the interests of pure religion, so we trust our blessed God, who hath guided former assemblies of the church into a behaviour pleasing to her majesty, will enable us to continue in the same course—next after our duty to God, manifesting our unshaken loyalty to our queen." And, in conclusion, turning to the members, he addressed them, "Reverend and honourable, All I shall say to you at opening this assembly is, that we are met at a very critical juncture, and have a great trust, may we all be enabled to know what is the true interest of this national church, and to follow such measures for serving it faithfully! For that purpose may we be under deep impressions of Him, and in all our words and actions show ourselves wise as serpents, and harmless as doves; and may we behave with that zeal for the glory of God, that meekness and

love to one another, that will show us to be acted with the spirit of Christ !”

The assembly's answer was conceived in similarly decided but respectful language. “ The late occurrences which your majesty is pleased to take notice of have, we must acknowledge, possessed us of fear and jealousies. But as we have always embraced, and do at present lay hold upon the assurance your majesty is pleased to give us of your firm purpose to maintain the church of Scotland as established by law ; so we cannot but with all dutiful submission, and in that truth and ingenuity that becomes the faithful ministers and servants of our Lord Jesus Christ, put your majesty in mind, of the representations and petitions laid before you by the commission of the last general assembly for a remedy in these matters, humbly hoping that these our most just complaints may come in due time and manner to be redressed.”

They proceeded then to approve of the conduct of their commission, whose addresses and petitions they ordered to be inserted in their minutes verbatim, as a token of their approbation. These petitions rested their requests upon what ought to have been impregnable ground ;—the inviolability of the constitution and privileges of the presbyterian church of Scotland, as secured to them by the treaty of union ; the act ensuring which “ was statute and ordained to be held and observed in all time coming as a fundamental and essential condition of the foresaid treaty of union, without any alteration thereof, or derogation thereto, in any sort for ever !”

It is hardly possible to conceive any human statute entrenched in more explicit expressions than these, or that human sagacity will ever be able to fortify any agreement between nations by barriers more strong ; and the commission with justice considered it “ a plenary security stated and established even beyond the reach of parliament.” While we rejoice that neither the queen nor the British legislature viewed the subject in the same light, as it must have effectually precluded for aye any opposition to the supremacy of the established church in Scotland ; we cannot wonder if men of rigid presbyterian principles did not



consider either the sovereign or themselves bound by acts which violated a constitution guarded by such solemn sanctions.

Entertaining sentiments of doubt, the assembly treated the queen's approval of the commissions' address as a coincidence with their views, and assuming that no suspicion could attach to the loyalty either of those who took, or of those who refused the oath of abjuration for conscience sake, they did "most seriously obtest all the ministers and members of the church, whatever might happen to be their different practice, to entertain a good understanding therein, in all mutual forbearance, firmly hoping, through the grace of God, that if they continue in the same good mind, seeking and serving the Lord in sincerity, and bearing with one another in mutual love and charity, that their gracious God would extricate them out of all difficulties." By this wise and healing measure a schism in the church was for a time prevented, and many of her most worthy ministers relieved from a very distressing predicament.

Notwithstanding all their political squabbling, there appeared in the bosom of the church a strong desire for the propagation of Christian knowledge, and the best interests of their countrymen. A representation from the society's committee, laid before this assembly, stated, that they had collected no less a sum than four thousand four hundred pounds sterling, which they had vested upon good security, and that they had been actively engaged in procuring accurate information with regard to the religious state of the country; in consequence, they had fixed upon eleven stations in the highlands and islands for catechists and charity schools,\* and had procured a sufficient number of qualified young men, attested by their respective presbyteries, whom, after suitable trials, they had engaged, as teachers, eight, at two hundred pounds Scots, [L.16. 13s. 4d. sterling,] and

\* Besides the schoolmaster of St. Kilda, the following places were agreed upon,—Abertarff; Castletoun of Braemarr; Auchintoul in the highlands, of the shire of Aberdeen; Larg in Sutherland; Diurness in Strathnaver; Elrish, Sky; one in the duke of Athole's highlands; Harry and Sanday in Orkney, and one in Zetland.



three at one hundred, [L.8. 6s. 8d. sterling,] each salary, and provided with suitable books. But as there were a great many parishes from which no contribution had been received, the general assembly, in compliance with their request, again recommended the truly benevolent object; appointed the several presbyteries to require an account of the diligence of all the ministers within their bounds in this matter, the synods to inspect the diligence of the presbyteries, and send full and distinct reports of their progress to the commission. Greatly to the praise of their leaders, the assembly rose without having afforded the least handle to their political antagonists, although various circumstances had been combined to excite their anger and their apprehension.\*

Deprived still of the regular superintendence of any ecclesiastical court, the society-men continued to bear testimony against the accumulating backslidings of the church and nation; but whilst there was no judicature in their Israel, and every society did that which was right in their own eyes, dissensions incessantly prevailed among them. A few days after the assembly rose, at a general meeting of the delegates from the more numerous bodies, held at Crawfordjohn, they resolved to renew the covenants, which they afterwards did at Auchinshaugh, near Douglas, on the 26th July, 1712; not however with that solemnity and zeal with which their fathers had gone about the work in their hour of peril; for at the conclusion of the service on the preparation day, the congregation was dismissed with a reproof from the officiating minister, "for their unconcerned carriage and behaviour during the reading of the acknowledgment of the breaches of these covenants." Some of the members had at the previous meeting proposed a query, Whether they should come armed? "It was concluded there was no necessity for arms, unless there were evidence of a design of opposition to the work." Of this there was neither intention nor appearance. They were

\* Minutes of the General Assembly MS. Printed Acts.

allowed to assemble without interruption, to remain together for several days without molestation, and to dismiss in peace. The engagement to duties come under by the covenanters at Auchinshaugh was afterwards published when the work was finished, and it is not among the least curious of these articles, that a few scattered societies, who could not agree among themselves, should consider it their bounden duty "to endeavour an uniformity in doctrine, worship, discipline, and government" between three kingdoms.\*

When people are driven till they know not on which hand to turn by the fierceness of the persecutor, it would be harsh to judge too rigidly of the failings or even faults of good men; but to carry tenets, which were only defensible in times of tribulation, to still greater lengths in time of peace, has so much the appearance of a desire to be singular, and a wish to provoke notice and persecution, that it is only excusable as the error of well-meaning individuals, who, deprived of regular instructors, had retained the prejudices of their fathers, without reflecting upon the very different circumstances of the times; unless we should trace it to a more indefensible source, the wish of the people to dictate to their ministers, and usurp an authority to which they have no right; and forcing them to preach to their prejudices, nourished a spiritual pride in supposing that purity of communion consisted, in raising distinc-

\* The hearers of Mr. M'Millan considered it a sin in any of their brethren to hear Mr. Hepburn! A Mr. M'Niel had joined Mr. M'Millan; but before they could be satisfied with him, it was necessary to be assured that he also bore testimony against the minister of Orr. "Anent Mr. M'Niel," say they in a letter, "it is certain that he never taught that any of us should hear Mr. John Hepburn in doctrine." MS. Records of the Societies. The records of these societies, in possession of the reformed synod, are wanting from the conclusions of the general meeting at Crawfordjohn, February 22, 1709, to February 11, 1712. They either had not been regularly kept during these years, or, as I should be apt to suppose, from a note in one of the blank leaves, they have been destroyed; and indeed, except as a mere matter of curiosity, it is as well that it is so. The remembrance of temporary internal squabbling in small christian societies seldom answers any good purpose.

tions when there was no difference, and that they were clean themselves in proportion as they were acute in detecting the spots of their neighbours—faults into which all small separate societies are very apt to fall.

Parliament was prorogued on the twenty-fourth of June, having been kept thus long together that the ministry might obtain their sanction to the terms of the peace before it was finally concluded. Her majesty communicated them in a long speech on the sixth, when the house of commons, with little difficulty, and the house of lords, after a violent debate, voted addresses of approbation. Somewhat different were the sentiments of the public when informed that the grand object of contention was given up, and that the crown of Spain and the Indies was to remain on the head of Philip; while Louis, who had humbly supplicated peace, and who, by another active campaign, must have, in all human probability, accepted of such conditions as the allies chose to dictate, was raised to be himself a dictator of terms. The people in general, although longing for peace, and tired of taxation, began to revert to their old antipathies; and notwithstanding the efforts of the ministerial writers to prove that peace was better than war, could not be diverted from the idea that a splendid peace would have been better than a doubtful one; and that when, after their long, sanguinary, and successful struggle, they might have ensured lasting pre-eminence and power to their country, by a treaty adequate to the triumphs they had won, it was inglorious, if not disgraceful, to consent to a precarious and unprofitable truce. But the jacobites, who saw in it a prospect of the realization of their hopes, in the downfall of their irreconcilable opponents, united, at the pretender's personal request, with the tories, in applauding the conditions, and supporting the ministry; and the pretender himself seems to have believed that a way was about to open for his peaceably ascending the throne of his ancestors; yet, by an obstinacy fortunate for Britain, as his compliance must have increased his party, he at the same time most unequivocally declared his attachment to that religion which had forfeited his father's

right; nor could the solicitations of his friends, nor even, it is said, the sentiments of his sister, induce him to conceal his papistical devotion, or allow to the episcopalians, who were in his service, the open exercise of their forms; and as if this had not been obstacle sufficient, he, following the hereditary politics of his house, embarked in a variety of projects at once, and without confiding entirely in any, committed himself to a number of agents.

Multiplicity of intrigue was ever the besetting sin of the Stuarts; and at the moment when union of effort alone could have produced a probability of success, their means were frittered away in unconnected correspondence with different agents, who all, under professions of the most devoted attachment to their cause, were undermining each other with as much eagerness as if the victory had been achieved, and they had had nothing else to quarrel about but the division of the spoil. When the articles for a treaty were signed, the French envoy in London, who had instructions from his court, introduced the subject to St. John; but they both foresaw that, in the ensuing treaty, the king of France would be obliged not so much to abandon the chevalier, as to acknowledge the succession of the crown to the house of Hanover, and therefore it was proposed previously to free the French king, by a private article, from whatever obligations he might come under in the public treaty to that effect; but St. John, who looked forward to the probability of a parliamentary inquiry, turned over the negociator to Mrs. Masham, that through her he might directly learn the queen's pleasure; and the following points, with her majesty's concurrence, were agreed upon between Mons. Mesnager and Mrs. Masham." That for the satisfaction of the people at home and the allies abroad, the king should be required to abandon her brother and his interest, on pretence of adhering to the succession as now established. But that nevertheless this seeming to abandon the said interest, was to be so understood, that the king should not be obliged, in case of her majesty's decease, not to use his endeavours for the plac-

ing the said prince on his father's throne, to which he had an undoubted right."

Besides, Mrs. Masham, in her confidential communication with Mesnager, told him, "that it was the present unhappiness of the queen to possess the throne of her brother, which she had no other claim to than what political measures of the state had made legal, and in a sort necessity, which she believed often gave her majesty secret uneasiness; which was aggravated, in as much as by the same necessity of state, she was obliged, not only against her disposition, but even against her principles, to further and promote the continuance of the usurpation, not only beyond her own life, but for ever. That, under such circumstances, it would be an inexpressible satisfaction to her majesty to be delivered from that fatal necessity; and if it could be possible, with safety to the religion and liberties of her subjects, to have her brother restored to his right, at least after her death, if it could not be done before. But she saw no method of procuring peace, without confirming the succession of the house of Hanover—a thing, I am sure," added the favourite, "that is all our aversions."

Surmises of this intercourse becoming general, the projected arrangement was defeated, "and all was owing," says Mesnager in his account of the negotiations, "to the impatience and jealousy of the court of St. Germain, who, though the king had agents of his own in London, who perhaps did their utmost, yet they at St. Germain being uneasy, could not refrain sending a secret embassy themselves. This it seems was a Scotsman, who pretended great interest with a Scotch lord, who was an officer of state in England; but either the messenger failed in the interest he pretended to have, or the Scotch nobleman failed in what he promised to do for him, seeing that after a long stay he only performed these two notable exploits,—first, he spent a great deal of their money, and, secondly, he ruined and exposed the business he was entrusted with; and at last came away with nothing but an empty promise." A correspondence was at the same time carrying on with Mar, and the general expectation of the

party was so high, that the duke of Hamilton endeavoured to open a clandestine communication with the pretender.\*

Numerous obstacles occurred to protract the negotiation; for the ministers of France no sooner perceived the divided state of Britain, than, with the natural finesse of their country, they turned it admirably to their own advantage; and Louis himself, when he heard of the dismissal of Marlborough, added, with his own hand, to the dispatches, "the affair of displacing the duke of Marlborough will do all for us we desire." He instantly rose in his demands, and with such insolence and duplicity, as would soon have terminated the conferences with the British ministry, had not the latter rashly staked their continuance in power, upon procuring a peace. When these disputes were going forward, and while all was yet uncertain, the appointment of the duke of Hamilton as ambassador extraordinary to the French court, excited a considerable sensation, and gave rise to much and various conjecture. He was known as a professed leader of the Scottish high tories, and had been distinguished by peculiar marks of her majesty's confidence; his mission was reported to be of the greatest delicacy and highest importance, and he had previously been invested with the order of the garter.† He had engaged Lockhart of Carnwath to accompany him to France as his confidential secrètary, and informed him that he was entrusted with a secret business beside his public mission, which he might give some hints of to those he could confide in and thought honest men; but to Harry Maule and captain Straiton, in whom he placed the highest confidence, he was allowed to say that his grace had got all his instructions concerning the negociation of

\* Minutes of Mesnager's Negotiation, p. 305, 314. Stuart Papers, p. 199, 200.

† When the queen informed him she meant to bestow the order of the garter, but thought he should resign the order of the thistle—he replied, "her royal father had worn both: and he would never prefer an English to a Scottish honour."

peace, and he understood there were some things beside of the greatest importance to be committed to his management: and though the lord Oxford had not yet spoke fully out, nevertheless, by his lordship's inuendos, and some private conversation with the queen, he could guess at the import and design of them; he could not then say any more, but desired them all to hope and look for the best, and he assured them that he never undertook any matter with so much pleasure as that journey."\*

Every circumstance concurs to give credibility to the supposition then so generally entertained, that the recal of the exiled family was the object of the duke's embassy; but whatever it was, his foolish yet lamentable end, soon finished the project as far as he was concerned.

His grace and lord Mohun had been engaged in a law-suit respecting the succession to the earl of Macclesfield's estate, for about nine years, which, as such suits generally do, had not only proved ruinously expensive to the parties, but occasioned an almost invincible deadly hatred. Mr. Whitworth, father of lord Whitworth, having been examined as a witness for lord Mohun, when he had finished, the duke remarked, "that he had neither truth nor justice in him," to which Mohun replied, "he has as much as your grace." Hamilton took no notice of this courteous retort, and the company broke up without suspecting that anything farther would follow. But Mohun, a successful duellist, already infamous for two murders, finding his insult had not produced a challenge, in the true spirit of a bully, demanded an apology, for an offence which he had already punished; and presuming upon his superior swordsmanship, forced his relative to the field, where, both mutually enraged, were so eager upon revenge, that, forgetting self-defence, they fell, each satiated in the other's blood. Lieutenant-general Macartney, who was Mohun's second, and colonel Hamilton, who was the duke's, upon the occasion, in the same spirit of what has been styled honour, but of which it would be difficult to say whether it were

\* Lockhart Papers, Vol. I. p. 407.

more ridiculous or criminal, had a set-to, to keep their principals in countenance : in the middle of their diversion they were interrupted by the fall of both the noblemen ; his lordship, Mohun, had paid the forfeit of his madness upon the spot, his grace, Hamilton, before he reached his lodging.

Hamilton was one of the most prominent, most influential, but most contradictory characters of his day. He was consistent in his professions of attachment to the family of Stuart, and suffered in their cause, yet he did them more injury than any of their avowed enemies. He was constant in his open declared opposition to the union, yet he forwarded its completion more than its warmest friends ; the reason must be sought in his temper and his circumstances, he was warm and violent, but unsteady and capricious, he was regardless of personal danger, but he wanted political courage ; sanguine at first, he overlooked obstacles, but of acute perception, when he reflected he was shaken by difficulties he had not anticipated. He was besides hampered in his pecuniary concerns, by his numerous law-suits his estates were embarrassed, and they were situated almost equally in Scotland and in England. His mother too was a woman of much prudence, and her council might occasionally counteract his rashness. In private life, with all his faults, he must have had redeeming qualities, for his friends who did not pretend to justify his failings, loved him in spite of them.\*

This unhappy occurrence happening at so critical a juncture, was instantly fastened on as a political rencounter, and the tories roundly asserted, that it was a preconcerted murder by the whigs ; that Hamilton did not fall by the sword of his antagonist but by Macartney ; and party rancour gave currency and belief, if it did not give origin, to a statement to that effect made by colonel Hamilton. A reward of five hundred pounds was offered by government, and an additional sum of three hundred by the duchess, for the apprehension of the general, who, knowing the fate

\* Burnet, Lockhart, &c. &c.



of political culprits in times of popular agitation, fled to the continent. When he returned, at the accession of George I., he delivered himself up to justice, and, upon trial, was acquitted of murder, but found guilty of manslaughter, while his original accuser was threatened with a prosecution for perjury, and had in his turn to go upon his travels.

Peace was at length concluded, and the treaty signed at Utrecht on the thirteenth of March one thousand seven hundred and thirteen, and the populace of London, instigated by the tories, expressed, in the most tumultuary manner, their high satisfaction, although the Scottish jacobites had been before them, and congratulated her majesty by anticipation. On the ninth of April, after it had been seven times prorogued, the parliament assembled; when the queen communicated to them the terms, and conjured them to use their utmost endeavours to calm the minds of their fellow-subjects, that incendiaries at home might not effect that which foreign enemies could not accomplish; they replied by congratulatory addresses, conveying at the same time professions of inviolable attachment to the house of Hanover and the protestant succession. The supplies were granted without opposition; but an extension of the malt tax to Scotland had very nearly ruptured the union between the two kingdoms.

Although not expressed in the treaty, this tax, by a stipulation guaranteed by the honour of the commissioners, (Vol. V. p. 564.) was not to be levied in Scotland during the war, nor extended to that country for paying off the war debt. Hitherto this stipulation had been acted upon, and the tax, when imposed upon England, had not been extended to Scotland; but now when peace was concluded, a bill was brought in for imposing it over all Britain. The Scottish members, who knew with what heavy pressure it would fall upon their country, opposed it with all their might, and the English were equally violent in urging it, and thought the Scots had been sufficiently favoured in its not being exacted for these several years past. The others replied, the

exemption was no favour, being only the fulfilment of an express capitulation, and if they had asked it for a longer term of years, nay even for ever, it would not have been refused. But they had trusted to the generosity of the English, and were satisfied with that article of the union which affirmed it as an axiom that the British parliament, in imposing taxes, would always pay a just regard to the circumstances of the people; they contended that an equality of taxes consisted in proportioning them according to the different abilities of the lieges, not in exacting the same duty equally from all; and as Scottish barley would not produce either so much or so good ale as English, it would be altogether unreasonable to lay the same burden on both. Besides, should the price of ale be raised in Scotland, in proportion to the tax proposed, it would amount to an entire prohibition, as the people there could not afford to purchase it; at all events, they contended that the war was not finished till peace was proclaimed, and therefore the stipulated term had not expired. 'The English members did not deny the stipulation, but replied to the argument they could not answer, by calling for the question, when the house divided, not into factions, but national parties, and of course the poor forty-five, although they fought hard and fought to the last, were overwhelmed by numbers.\*

Unfortunately the peers did not second the efforts of the commons, and although they spoke and voted against the measure, they did not act with that decision and zeal the others displayed, nor had they the weight which they ought to have possessed; the commons had in general divided, and occasionally in a body "voiced" against the ministry, but it was remarked that the noble representatives, under the different administrations voted always "plumb with the ministry."†

\* Most of our historians have copied bishop Burnet in his report of this debate, and by not adverting to the nature of the stipulation for which the Scottish members contended, have misrepresented the scope of their arguments, which was as stated in the text.

† Lockhart Papers, vol. i. p. 416, et seq.

While the bill was in progress the debates assumed a form entirely different from any that had hitherto occurred, the distinctions of whig and tory were for the time forgotten, and the combatants again ranked under their opposing national banners, particularly in the house of commons, where the taunts of the English members were met by sarcastic retorts, that they would not dare singly to insult those whom their majorities enabled them to oppress; but when the united opposition of their lords and commons had proved ineffectual to ward off what they considered an act of injustice—and what in fact has proved an essential injury to the country, by destroying a wholesome beverage—the Scottish members agreed to lay aside all minor differences, and unite their endeavours to dissolve a union which had hitherto been only productive of detriment and dishonour. The jacobites eagerly sought such a crisis to forward their own particular purpose, but the inefficiency of the Scottish representation to procure any Scottish object was so evident in this case, and the irritation produced in the contention so universal, that no opportunity so favourable might again readily occur. Lockhart, their leader, therefore, in conjunction with several of his friends, requested a meeting of the whole Scottish commons, to consult upon measures proper to be taken in this emergency, to rescue the nation from the vassalage to which they had reduced themselves.

When they assembled, he told them he believed it would be unnecessary for him to notice the late ill usage they had met from all parties in England, and he hoped they would be unanimous in attempting redress, by coming to such resolutions as could be prosecuted with the greatest unanimity and vigour. The Scottish trade, it was evident, he continued, was wofully depressed, and almost entirely destroyed by prohibitions, regulations, and impositions; that the heavy duties imposed on their native produce and manufacture were calculated for the wealthy and improved state of England, and not for their backward and impoverished country, exhausted of money by the continual drain of their taxation, and the resort of so many of their countrymen to London; that, from the haughty and inso-

lent treatment they had lately received, it was sufficiently clear they could expect no redress from the English, and it was as evident that if they did not procure it some way soon, the ruin of Scotland was unavoidable. But the cause was obvious, and so was the cure, the melancholy state and prospects of Scottishmen arose from their being united with a nation superior to them in power, naturally bent against them, and whose interests and maxims of government and trade did directly interfere with theirs, their deliverance must be wrought by breaking their shackles and escaping from the house of bondage.

He took no credit to himself for foreseeing all this, nor would he reflect on those who had disbelieved him. He wished to God that he had been mistaken, and that they had obtained all the good fruits they expected: what he wished now was, that all that was passed should be forgotten, and that they should unite cordially to remedy the evil. This he thought should be attempted, as it was established in a legal parliamentary way; and although he could not delude himself with the idea that they would accomplish it at that time, he hoped the Scottish nation would never lose sight of, and he was assured they would ultimately regain their liberty: and if the subject of dissolving the union were only once fairly set a-going, it was impossible to say, considering the state of parties, what might even then be done; but as many might be startled at the motion, apprehending that it might unhinge the protestant succession as then established, he would make it an express condition, that the two crowns, when separate, should still preserve the same succession.

All the commons being unanimous, at the suggestion of Baillie of Jerviswood, a conference was held with the sixteen Scottish peers, and the duke of Argyle, who sat as an English peer. His grace opened the conversation, he said, though he sat in the house of lords as an English peer, yet being a Scottish man and Scottish peer, as such he was willing to submit to the judgment of the peers and commons then assembled. He would freely confess that he was much disappointed of the effects of the union, being fully convinced

that it was destructive both to Scotland and England; and as he was a peer of both realms, out of regard to both he heartily agreed to a dissolution, and would concur in every measure they thought expedient for effecting it, and thought the parliamentary mode the most regular. As there was a quarrel between him and Mar,\* it was suspected that he acted thus to counteract Mar's influence with his countrymen, and that knowing he would heartily agree to the scheme, took this method of forestalling the market.† But the earl seconded him earnestly, and the whole unanimously agreed to lay aside all private differences, and use their united endeavours to effect so desirable a purpose; in the first place, however, they thought it expedient to appoint some of their number to wait upon the queen, to acquaint her with the resolutions they had taken; and in order that she might perceive it was no factious proceeding, they named the duke of Argyle and the earl of Mar, Mr. Cockburn, junior, of Ormiston, and Mr. Lockhart of Carnwath, two whigs and two tories, to form the deputation. Her majesty, who was extremely averse to the subject, replied to their address, "She was sorry that the Scots believed they had reason to complain, but she was of opinion they carried their resentment too far, and wished they did not repent it."

\* Upon Queensberry's death, Mar and lord Islay had both attempted the secretaryship; and in order not to prefer either, both were disappointed by the post being allowed to remain vacant, which had occasioned a coldness between Mar and Argyle. Mar attached himself to the treasurer, and appears even thus early to have made advances to the pretender. Argyle accepted of the command in Spain, but he found the situation of the armies there so miserable, that he was unable to do any exploits. The commons had voted a million and a half for prosecuting the war with vigour; he was obliged to procure money on his own credit before the British troops could take the field; and next year he returned disappointed and discontented at having been left almost wholly unsupported, after the magnificent promises that had been made to him, and the brilliant prospects held out to the nation. Campbell's *Life of Argyle*, p. 136-7. Lockhart's *Com.* p. 435, et seq. Burnet, vol. vi. p. 159. Oldmixon, Tindal, &c.

† Lockhart says, there were some who believed that Argyle declared himself so early and so clearly at this meeting "with a design to break an egg in the earl of Mar's pocket." *Comment.* 430.

They next deliberated in which house to bring forward their motion, and resolved to try the house of peers, because the ministry, being opposed to the measure, the whigs had engaged to support it, and their power was greatest among the lords. The earl of Findlater accordingly, as chancellor of Scotland, was pitched upon to introduce it, which he did in a long but embarrassed speech; recapitulating the various branches of the treaty that already had taken place, the disadvantages which Scotland experienced, and their inability, from their poverty, to bear an equal share of the public burdens of the empire, and concluded by moving, "That since the union had not produced the good effects that were expected from it when it was entered into, leave might be given to bring in a bill for dissolving the said union, and securing the protestant succession in the house of Hanover, insuring the queen's prerogative in both kingdoms, and preserving an entire amity and good correspondence between the two nations." He was warmly seconded by the duke of Argyle, who, in replying to the charge of having changed sides, observed that it was true he had had a great hand in forwarding the union, because he believed it would enrich the one country, and secure the liberty of the other; but now he clearly perceived he had been mistaken; that it would beggar Scotland and enslave England. One chief reason which induced him so eagerly to support the treaty, was his desire to secure the protestant succession, but that, he was now satisfied, could be done as well if the union were dissolved: that he had a particular interest in both countries, he was a peer of England as well as of Scotland; and he believed sincerely that it was as much for the interest of the one country as of the other, that the union which had been so often infringed should be finally dissolved, as the only way to preserve friendship between them. The pressure of the taxes bore so unequally upon Scotland, that, besides being enormously oppressive, they never would be productive; and if that upon malt were to be collected, it must be done, he believed, by a regiment of dragoons. The English argued, that they did not possess the power of annulling a treaty so solemnly ratified by two parlia-

ments, who had now both ceased to exist. They did not deny but that the Scots laboured under some disadvantages, but they thought these might be remedied by other means than dissolving the union.

On the question being put for leave to bring in a bill, it was negatived by only four votes, so nearly was the union saved from a fatal blow. But the jacobites, who had not expected to carry it, considered this a victory, as it afforded a precedent for bringing forward at some more favourable opportunity a similar motion. At a meeting of the Scottish representatives next day, it was resolved to defer introducing the subject in the house of commons till the following year, and in the interval to endeavour to procure petitions from all the counties and burghs in Scotland, to the queen and the two houses of parliament, praying for a dissolution of the union, a proposal which, however, was never carried into effect, as no petitions were procured, except from the shires of Edinburgh and Lanark.\*

Before being dissolved, the parliament addressed her majesty, requesting her to use her influence with the duke of Lorrain, and all the princes in amity with her, not to afford shelter to her brother. She thanked them coldly, and promised to attend to their request. But it was noticed that she received with sympathy and peculiar satisfaction two addresses from the highlands of a very different description—presented by sir Hugh Patterson, introduced by the earl of Mar—which were afterwards published in the London Gazette. The one from the magistrates and town-council of Inverness declared, “We, without reserve, depend on your majesty’s wisdom in securing our religion, and the succession to the hereditary crown of Great Britain in the family of your royal progenitors, the most ancient line of succession in the world; being as much convinced that our guarantee is entirely in your hands, as your serene majesty does place yours in your

\* Fictitious freeholds, which had not been sustained in the case of the duke of Queensberry, were this session, by a particular act, declared illegal.

people." The other from Nairne was scarcely less flattering to royal prerogative: "We know not," said the magistrates and inhabitants of the loyal burgh, "with what modesty we can presume to address your majesty on the matter of succession, lest we should seem to call in question your majesty's unquestionable prudence, or the faithfulness of your majesty's council; and therefore we sincerely declare, that our utmost wishes reach no farther than that our posterity may reap the effects of your majesty's wise choice, while we think ourselves happy under your majesty's administration all our days."

Such language was not, however, new from that district, nor unaccountable. Early in 1711, pensions had been settled on the principal clans by the government, to secure their attachment, and prevent disturbance, esteeming this a cheaper mode than supporting an army in these wild and distant districts; but the jacobites encouraged them to import arms and ammunition, and taught them to look forward to another plundering excursion against the lowland whigs, in the event either of the pretender being crowned, or a disputed succession. In congratulating her majesty upon the peace, the chieftains used the following very appropriate language: "The peace your majesty has concluded with so much reputation, by which you have checked the avarice of some who were shamelessly self-interested, and the arrogancy of others, who, grown wanton under your royal protection, became no less unreasonably ambitious; we say this happy peace is a shining instance of the Almighty's blessing on your endeavours." They then add, "We must also beg leave to thank your majesty for recommending the insolence of the press to the consideration of the late parliament, hoping the ensuing will improve upon the progress of the former, and work out a thorough reformation, that we be no more scandalized, nor hear the blessed Son of God blasphemed; nor the sacred race of Stuart inhumanly traduced with equal malice and impunity;" and they conclude in a strain of fervent highland loyalty, "Madam, may you still govern by the zeal and affection of your people, and long reap the fruits of that peace you have so



graciously planted among them. Happy ! if after your majesty's late decease to put a period to our intestine divisions, the hereditary right and parliamentary sanction could possibly meet in the person of a lineal successor !”\*

Confined to a few, Scottish electioneering is never accompanied by those strong ebullitions of popular feeling that attend the formation of a new parliament in England, nor can the northern representatives almost in any case be said to be the choice of the people. Their contested elections are in general merely a struggle between the “in’s and the out’s,” in which the “in’s” have, I believe, without one single exception, carried the majority, from the union of the crowns to the present day. Upon the dissolution, which took place in July, 1713, the ministry themselves, Oxford and Bolingbroke, as well as their retainers, were divided, and the higher ranks of political society were in consequence disjointed. The Scottish leaders partook of their dissension, and Argyle and Mar headed the two conflicting interests; by the influence of the latter—now Scottish secretary—lord Islay lost his election as a Scottish peer, and his brother became finally alienated from the court. The commons appear to have been much the same as the former, nor did the jacobites increase in numbers, although they did in effrontery. After the re-election of Lockhart of Carnwath for Edinburgh, the populace assembled in the parliament close around the statue of Charles II., drank the health of the queen, the dissolution of the union, and all true Scottishmen, which ceremony they repeated at the cross. An incident, although magnified at the time into a declaration for the pretender, seems to have been only a complimentary return for the wine with which the successful candidate treated the cannaille.

But the zeal and activity of the popish priests and French emissaries in the north, were more portentous circumstances, and called forth from the commission of the kirk “a seasonable warning concerning the danger of popery,”

\* Collection of Original Letters and Authentic Papers relating to the Rebellion, 1715. Tindal, 8vo. edit. vol. vi. pp. 102-3.

to which they were stimulated by reports from the ministers, who bore testimony to the alarming success with which their exertions were attended.

Public animosity rose higher as the time approached for the assembling of the new parliament. The contentions in the cabinet increased; the queen's health had begun seriously to decline, and the progress of her disease, which ought to have inspired sentiments of tenderness in her servants, or at least have made them suspend their disputes in her presence, destroyed even the weak restraint she had upon them, and their violent altercations became more indecent in the cabinet, and their mutual rancour better known to the public. An alarm for the safety of the protestant succession ensued; the stocks were of course affected, and a general run upon the bank, which arose from the queen's reported indisposition, continued till her recovery was officially announced.

On the sixteenth of February, one thousand seven hundred and fourteen, the parliament was opened by commission, and adjourned till March second, when her majesty in person delivered the royal speech; it contained one sentiment at least a British monarch ought never to forget: "Our situation," said she in commencing, "points out to us our true interest; for this country can flourish only by trade, and will be most formidable by the right application of our naval force." She then adverted to the topics which chiefly agitated the kingdom.

Persons in private life are not in common very fond of being incessantly urged by expectants to make a final settlement of their property; but the whigs, without intermission, in public and private, in parliament, through the press, and even in her retirement, forced this ungracious subject on the queen. Alluding to this conduct, and to the reports that had been spread respecting the dangers which threatened the succession of the house of Hanover, she remarked, "Those who go about thus to distract the minds of men with imaginary dangers, can only mean to disturb the present tranquillity, and bring real danger upon us. After all I have done to secure our religion and your liberties, and to

transmit both safe to posterity, I cannot mention these proceedings without some degree of warmth ; and I must hope you will all agree with me that attempts to weaken my authority, or to render the possession of the crown uneasy to me, can never be proper means to strengthen the protestant succession."

It is certainly not carrying the supposition too far, to believe that the natural inclination of Anne for her brother was strengthened by the impertinent and frequent obtrusion of his rival's claims ; yet there exists no proof of any settled plan, either by the queen or her ministers, for risking the peace of the kingdom during her life, to insure his succession on her decease, although the sentence quoted might bear the construction of an implied threat, in case such party persecution were continued. Both houses voted addresses expressive of their detestation of such practices, and of all who encouraged them, and immediately proceeded, by angry and virulent discussion upon some of the obnoxious pamphlets, to extend the evil in the reprehension of which they pretended to join. The whigs in the house of lords pitched upon a production of Swift's, which they condemned to more lasting celebrity ;\* and the tories, in the commons, recommended sir Richard Steele to the favour of the house of Hanover, by expelling him, on account of his political tracts.

The security of the protestant succession was the leading question in this parliament, to which the suspected intrigues of all parties with the pretender, and their avowed declarations for the house of Hanover, gave unusual keenness and interest. The state of the nation was taken into consideration by the lords, on the fifth of April, when the danger arising from the friendship shown to the friends of the pretender by the ministry, and his being allowed still to reside in Lorrain being mentioned, a ques-

\* Entitled " The Public Spirit of the Whigs, &c."—It was excessively severe against the Scots, and would have gone to rest with the other well written political squibs of the day, but for this sentence.

tion was started, whether the protestant succession was in danger under her majesty's administration? The debate, which was intended to be reported to the elector, was carried on with the greatest violence, and all the topics of accusation and recrimination were brought forward with the earnestness of men who knew they were pleading a cause for the information of the presumptive heir; the discussion commenced at two o'clock, and continued till nine in the evening, when the protestant succession was voted out of danger by seventy-six against sixty-four.

The opposition having failed in this, proposed next that her majesty might be desired to issue a proclamation, promising a reward to any person who should apprehend the pretender, dead or alive. The brutality of presenting such an address against a brother to a sister it would have been perhaps illegal to notice; but this publicly authorizing assassination, was deservedly reprobated by lord North and Grey, and an amendment which substituted—"and bringing him to justice in case he should land, or attempt to land, in Great Britain or Ireland," was adopted. The queen answered, "she did not see any occasion for such a proclamation: but that it would strengthen the succession of the house of Hanover and her own government, if an end were put to these groundless fears." With a pertinacity almost inhumane, the party continued to annoy the personal feelings of Anne, and when she refused to proscribe the chevalier, they proposed that the prince of Hanover, created duke of Cambridge, should be called to take his seat in the house of lords as a peer of the realm, and her majesty was obliged to write to himself to request his disapproval of the scheme. There was something so unmanly and cruel in this treatment, that had not the queen been nearly as much tormented by the tories, and driven almost to distraction by the dissensions of her ministers, it would not have been at all surprising had she thrown the weight of her whole influence into the scale of the pretender; but fortunately her decided attachment to the protestant religion proved an effectual bar to this consummation.

Her majesty's conduct in resenting these insults, however, was construed by the jacobites into a decided determination in favour of the pretender, and letters were handed about from his friends abroad to his friends at home, descriptive of his person and character, his graceful mein, magnanimity of spirit, and freedom from bigotry; his application to business, ready apprehension, sound judgment and affability; delighting all who approached him by the charms of his conversation, and the sweetness of his temper. The chevalier, too, seemed inclined to relax in his papistical intolerance, although he would, on no account, consent to a proposal for changing his religion. Leslie was allowed to guide the devotions of his protestant attendants; and with his own hand he wrote his sentiments on the subject of religion, for the purpose of being exhibited. He thought his sincerity in avowing his principles, when it would have been his interest to conceal them, ought to have obtained credit to his professions of securing to his subjects the exercise of theirs; forgetting that though his father was equally explicit in his declarations, yet his people did not find, that openness in going to mass was any pledge of safety to the religion or liberty of protestants, or ensured the fulfilment of his other professions. The paper is however very plausibly written, and concludes with an assertion of great weight in former days. "I know my grandfather and father too had always a good opinion of the principles of the church of England, relating to monarchy; and experience sufficiently sheweth, that the crown was never struck at but she felt the blow, and though some of her chief professors have failed of their duty, we must not measure the principles of a church by the actions of some particular persons."\*

While the projects and plots of the various parties were distracting the nation, a proclamation was suddenly issued by the queen, promising a reward of five thousand pounds for

\* So high was the confidence of the papists, that at a dinner in the Sun Tavern, Strand, London, of which lord Fingal was a steward, the tickets of admission bore the image of the pope treading heresy under his feet. Tindal, v. vi. p. 216.

apprehending the pretender whenever he should land, or attempt to land, in Great Britain. As it came out without the least previous warning, both whigs and tories were taken by surprise. The tories were enraged but could do nothing, the whigs instantly pressed the advantage it gave them, and next day moved in the house of commons, that the sum to be paid for the apprehension of the pretender should be one hundred thousand pounds; they also took occasion to circulate what is now known to have been true, that the queen was alienated from her brother's succession, because she could not perceive how it could be consistent with the safety of the church of England; and added, the more doubtful assertion, that of her own accord she had issued the paper; though, it is probable what the tories asserted was nearer the truth, that her mental debility increasing with her increasing infirmities, part of her advisers who wished to pay court to the elector of Hanover, had operated upon her fears, had extorted it from her as a condition of her repose. The ostensible reason was the discovery of two Irish officers inlisting men for the service of the pretender, who were seized at Deal, one with a pass from the earl of Middleton, his secretary of state.\*

Strange misgivings had taken place among the Scottish jacobites, when they perceived that the English tories, however willingly they went along with them to harass the whigs, were yet by no means prepared to forward their views, in precipitating the claims of the pretender: and when Lockhart, to put them to the test, proposed to renew the motion for dissolving the union, he found their secret committee disinclined to proceed in his straight forward plans; Murray, Carnegie, and Cummin, who had attached themselves to Bolingbroke, would not consent to drive the ministry;—and the junto broke up. But the conflicting forces in the cabinet gave rise to many wonderful changes in the phases of the wandering planets during this portentous shaking of the political heavens, in none more

\* M'Pherson's Hist. v. ii. p. 597. Hanover Papers, v. i. p. 630, et seq. Lockhart Papers, v. i. p. 472.

than the Scottish ; there were two suns in their firmament, but the rays of neither shone with sufficient clearness or warmth, to point out to the interested gazers which would be the permanent soul of the system. They accordingly vibrated between Oxford and Bolingbroke, or rather Mrs. Masham, or the duchess of Somerset, as either ruled the ascendant.

The attempt made to obtain the bishops' rents for the Scottish episcopal conformists, illustrates curiously their variable politics. Some time after the secret committee split, the recreant members requested a meeting with Mr. Lockhart and the lord-lyon. At this they represented that the earl of Mar, and several of their friends, as they thought it a proper season, were very eager to introduce a bill into the house of commons for resuming the bishops' revenues in Scotland, and applying the same to the relief of the episcopal clergy, and the support of such ministers as should accept the benefit of the toleration act. Into this scheme Lockhart and his friend heartily concurred ; but he declined bringing forward the bill, not being satisfied with the conduct of any one of the ministers, nor was he certain of their sincere support, but dreaded that he might be deserted and left in the lurch, exposed to the malice of all those who enjoyed grants out of these revenues, and would have suffered by the design. He therefore thought that Murray, who was high in the minister's favour, should move the bill, and he and his coadjutors would strenuously support it ; but, being afterwards assaulted by his friends, he consented, and put the draft of a bill, resuming the whole sacred property, into lord Mar's hands. His lordship and a few of the party, who, or their relations, had been participators in the spoil, thought the resumption too general, and wished that the appropriations for the universities might be exempted. Lockhart, who understood these matters thoroughly, and was perhaps the only disinterested, or at any rate consistent public character of a jacobite among the public characters of his time, replied, if that were done, they were making a great noise about nothing, for these appropriations exhausted the best part of the re-

venues, and were the worst use they could be applied to, seeing the universities were at present seminaries of rebellion and schism. The others gave a cold acquiescence—for they had relatives who were professors both in Edinburgh and St. Andrews—and the laird of Carnwath having bespoken the support of his allies, prepared to proceed with spirit; but just as he was stepping in at the door of the house of commons with the bill in his hand, he was summoned to Whitehall. On his arrival he found lord Mar, who, with many expressions of regret, informed him that several of the Scottish peers had been with the queen, and impressed her with such an idea of the consequences that would follow, that she had declared that even if it passed the two houses, she would refuse her assent, and had commanded all her servants to oppose it. Lockhart, smiling contemptuously, told him that he was not surprised at their conduct, and only blamed himself for his simplicity in trusting them; but he would be as headstrong as they were fickle, he would persist in pushing the bill even if he stood alone. The lord-lyon warmly seconded him, and when Mar wished to vindicate himself, took him up short, affirming he knew the queen was much influenced by her ministry, and if they had fairly represented to her majesty how ridiculous the stories were which alarmed her, she would not have been led away by imaginary terrors.

Lord Eglinton, who obtained admission to the royal presence, found Anne immoveable; and Lockhart, being informed that lord Oxford had resolved to oppose him, the bill was dropped, but near the end of the session another was carried under the auspices of Bolingbroke, to appoint commissioners to inquire into the state of the Scots bishops' revenues, and report against next session;\* but before it

\* Dr. Somerville, in his reign of queen Anne, has, I apprehend, from this circumstance, been led into a very strange mistake. He says, "These suspicions were increased by her majesty bestowing the rents of the late bishops' lands in North Britain for the support of such episcopalian clergy as conformed to government." Hist. p. 472. In the



passed the upper house, the parliament was prorogued. An abortive attempt was likewise made to model the Scottish militia after the English; but as this must have interfered with the hereditary rights of the chieftains, it was allowed without much opposition to fall.

Disgusted at the unstable conduct of the ministry, the Scottish jacobites, in order to add to their embarrassment, joined the whigs in obstructing the supplies, and being aided by a few discontented English tories, carried several questions against them. Bolingbroke, who probably had not before been aware of the mettle of these gentry, immediately sent for Lockhart, and passionately asked him, "What in the name of God made him, and so many other honest gentlemen, act so unaccountable a part?" Lockhart retorted by telling him, when his lordship's friends could give any satisfactory reason for their conduct, he believed he could very easily answer for his own. Bolingbroke, then somewhat calmer, proceeded to inform him, that their apparent inconsistencies arose entirely from the situation of affairs, and had been chiefly owing to lord Oxford, who would soon be laid aside, when such measures would be adopted, and he hoped accomplished, as would give them full satisfaction; but it was not advisable to turn out the Treasurer while parliament was sitting, for then his lordship would certainly join with the whigs, and much confusion would ensue, whereas if parliament were prorogued, there was no power in being to thwart and interfere with the queen, who would soon settle matters according to her inclination, when parliament might be assembled to approve of the steps she had taken; he therefore besought him and his friends to dispatch the supplies, and he pledged his honour afterwards to support them to the full extent of his power. Influenced by these promises, which the jacobites could not otherwise

first place, they were not the queen's to give; and in the second place, there appears no proof of their ever having been given; at least I have found none. In some of the party pamphlets of the time, indeed, this is asserted, but that is no evidence. What was given to the universities were the mere reversionary rights of the crown.

interpret than as meaning the restoration of the pretender, they left the whigs as unexpectedly as they had joined them, and the supplies were carried.

Soon after (July 9th) the queen in person put an end to the session, the most ominous that had sat during her reign; after thanking the commons for the supplies, she addressed her parliament thus for the last time;

“ My lords and gentlemen—I hope early in winter to meet you again, and to find you in such a temper as is necessary for the real improvement of our commerce, and of all other advantages of peace. My chief concern is to preserve to you, and to your posterity, our holy religion and the liberty of my subjects, and to secure the present and future tranquillity of my kingdoms. But I must tell you plain, that these desirable ends can never be attained unless you bring the same dispositions on your parts, unless all groundless jealousies which create and foment divisions among you be laid aside, and unless you show the same just regard for my prerogative, and for the honour of my government, as I have always expressed for the rights of my people.”

It is impossible, on reading this speech, not to recur to the schism bill to which she had just given her consent, nor avoid remarking that the last of the Stuarts, and except her sister the best, left the throne, with a declaration of affection for the rights of the people, which she had only a few hours before assisted in violating. This bill prohibited any person in England, Wales, or Ireland, from keeping “ any public or private school or seminary, or teaching or instructing youth as tutors or schoolmasters, who had not subscribed a declaration to conform to the church of England, and obtained a licence from the diocesan or ordinary of the place, and upon failing of so doing, was liable to be committed to prison without bail or mainprize; and no licence was to be granted until the person produced a certificate of his having received the sacrament according to the communion of the church of England in some parish church, at least a year before pro-

curing such licence, and that he had subscribed the oaths of allegiance and supremacy."

As the schools for the education of the lower and middling ranks, particularly in country towns, were chiefly supported by dissenters, the mischief which this abominable statute would have inflicted is incalculable; the whole array of rational freedom was against it, but it is humiliating to the pride of the wit and the freethinker, to find their great chief-tain Bolingbroke in the first rank fighting against the right of protestants to educate their own children, and pleading the cause of bigotry and intolerance.

The bishop of London contended that dissenters had made the bill necessary, by their endeavours to propagate their schism, and draw the children of churchmen to their academies; but when it was suggested that they should be allowed seminaries for their own progeny alone, the amendment was negatived by a great majority of the peers; on which Wharton, alluding to Oxford, ironically remarked, that this was but an indifferent return for the benefit the public had received from their schools, which had bred those great men who had made so glorious a peace, and "treaties that executed themselves;" nor could he see any reason for suppressing the obnoxious academies, unless it were an apprehension that they might produce still greater geniuses to eclipse the merits of those great men. The tories, however, had only the obloquy of the scheme. On the very day it was to have taken effect the queen died, and the revolution that followed rendered it powerless.

During this session of parliament, the conduct of sir James Stuart, solicitor-general for Scotland, attracted the attention of the jacobites, to whom he was peculiarly obnoxious, and a violent phillipic he uttered against the administration enabled them to gratify their revenge and procure the appointment to Carnegy of Boisack, one of themselves; about the same time the lord advocateship, vacant by the death of sir James' father, was filled up by Mr. Thomas Kennedy, a creature of Mar's; the army too underwent a purgation, and Argyle and Stair were forced to leave their regiments, the ministry wishing to see them entrusted in more pliable

hands. These removals exalted the hopes, as the queen's declining health excited the activity, of the pretender's friends in Scotland; in the previous year his medal had been widely circulated in the south, and in the present, at a horse race in Lochmaben, where an immense crowd of gentlemen and country people were collected, the plates exhibited as prizes were adorned with various emblematical devices. On one was the figure of Justice with her balances, and the inscription—*Sum Cuique*—"Gin ilka body had their ain!" On the other, several men with their heads downward, in a tumbling posture, while one more eminent than the rest, stood erect, with this motto, Ezekiel xx. 27,—“I will overturn, overturn, overturn it, and it shall be no more, until he come whose right it is, and I will give it him.” After the race a number of the most noted of the jacobite gentry proceeded in procession to the cross, with drums beating, colours flying, &c. and there, upon their knees, in deep and flowing bumpers, drank king James' health, with an execration against those who refused to pledge them. Ever foremost in the cause of freedom, the western and southern counties had, early in the year, associated for the purpose of supporting the succession of the House of Hanover; the nobility, gentry, and citizens of Clydesdale, Renfrew, Ayr, Galloway, and Nithsdale, met at Dalmellington, in the month of June, and opened up a correspondence with the counties of the west; they adopted several resolutions for obtaining intelligence of the state of affairs, especially from the members of parliament, and enforcing legal measures for training the people. In this they were aided by a number of district meetings, and the various preparations of the different parties seemed to give note that some new revolution was approaching;—nor was it distant.

When parliament rose, the dissensions of the cabinet, which had been increasing, broke out with violence; neither Oxford nor Bolingbroke could bear to yield precedence, and each strove, by the usual arts of courtiers, to undermine the other in the good graces of their mistress. Bolingbroke, aided by lady Masham pre-

wailed, and the treasurer's staff was taken from his rival; (July 27) but a passionate dispute continued in the royal presence till two o'clock in the morning, threw the enfeebled queen into a state of agitation, which brought her disease to a crisis; the new arrangements were incomplete, and her majesty was now unable to complete them; on the 29th her symptoms became alarming, and threatened almost immediate dissolution. A privy council assembled at Kensington, to which the dukes of Argyle and Somerset, when apprised of the queen's danger, repaired, without being summoned, and chiefly by their recommendation the duke of Shrewsbury was appointed treasurer. With her own hand Anne delivered him the staff of office, and when he would have returned the lord chamberlain's, she bid him keep both, so that he was possessed of the three highest offices of the state at one time—lord treasurer, lord chamberlain, and lord lieutenant of Ireland. This was the queen's last act,—in the evening after she fell into a lethargy, and continued insensible till she expired on the morning of the first of August one thousand seven hundred and fourteen, in the fiftieth year of her age.

Anne, the last sovereign of Scotland, and first of the united kingdoms, though venerated in England as the good queen Anne, like all her progenitors of the Stuart family, who wore the two crowns, presented the worst aspect of her character towards the ancient nation. The restoration of patronage, and the abjuration act, gave to her government a tinge of the faithlessness of her race, which the schism act, and her understood aversion to the house of Hanover, did not tend, in the minds of presbyterians, to remove. Constitutionally timid, mild, and good natured, the qualities which rendered her amiable as a woman, diminished from her greatness as a sovereign; as the ascendancy of favourites, to which they exposed her, gave the stamp of character to the grand outline of her conduct. She had her father's notion of the prerogative, and reluctantly submitted to the preponderance of the whigs; but though from principle and inclination attached to her brother's succession, her dread of disturbance, and her aversion to

his religion, prevented any resolute steps being taken to advance his interest. Her domestic character was, upon the whole, excellent, she was a dutiful and loving wife, a kind and affectionate mother; but as a daughter she has been blamed for deserting her father by his adherents, and praised by his opponents, for having offered a painful sacrifice of inclination to duty. Her religion was undoubtedly sincere, although perhaps bigoted to the forms of episcopacy; she showed a laudable desire for extending the means of instruction, and increasing the usefulness and respectability of the clergy, by her bounty to the churches both of Scotland and England. In person,—so essential in the description of a female—Anne was well shaped and of the middle size, her complexion fair and ruddy, her face round and comely rather than handsome, her features strong and regular, her bones were small, and her hands beautiful, her voice was remarkably clear and harmonious, and gave a peculiar charm to her speeches to parliament.\*

\* The question, whether any serious design of recalling the exiled family was contemplated by the English tories in general, has, I think, been satisfactorily answered in the negative; their alliance with the jacobites, and their correspondence with St. Germain, upon which so much was built, must be resolved into political finesse, which, however at variance with sound morality, was not irreconcilable with a predilection for the house of Hanover. It is more difficult to say what might have been the case after Bolingbroke attained the direction of affairs had the queen lived; but as her death rendered every speculation connected with his elevation entirely conjectural, I shall refer my readers who desire to pursue the inquiry, to Dr. Sommerville's dissertation on the subject, at the end of his history of queen Anne; my limits not allowing me to follow it out, were it even of more historical importance than it is.

# THE HISTORY OF SCOTLAND.

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## Book XX.

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### GEORGE I.

**ALTHOUGH** the queen's death had been for some time expected, yet sudden at last, it came like a thunderbolt upon her conflicting cabinet, and found them as unprepared as if it had been an event beyond the reach of calculation. So eager were Oxford and Bolingbroke in their contest for power, or for revenge, that they allowed the only opportunity of attaining either to escape for ever. But the whigs were united and on the alert; the resolute behaviour of Argyle and Somerset overawed the council, and ere her majesty had yet expired, their influence was complete, and the Hanoverian succession secure. The most vigorous measures were adopted to provide for the safety of the kingdom. Orders were dispatched to several regiments of horse and dragoons to march towards the metropolis; directions were given for instantly equipping a fleet, and an express was sent off to the elector, requesting him to repair to Holland, where he would find a British squadron ready to convey him to England. No sooner had Anne expired than the privy council met, and a regency, consisting of the seven great officers of state, the archbishop of Canterbury, lord chancellor, treasurer, president, privy seal, high admiral, and chief justice of the queen's bench, in conjunction with a certain number nam-

ed by the king,\* in virtue of an act of parliament, assumed the regency, and issued orders for proclaiming, his majesty GEORGE, king of Great Britain, France, and Ireland, in the different capitals of the three kingdoms; and the first of the new dynasty, mounted the imperial throne without the smallest appearance of disturbance.†

Archibald earl of Isla, as justice general of Scotland, and the lord provost of Edinburgh, were required to perform the ceremony, with all due solemnity, in the ancient seat of royalty. The express arrived on Wednesday the fourth of August at twelve o'clock at night, and its contents were instantly made known to the servants of the crown, who were ordered to be in attendance next morning at eight o'clock. At which time were assembled, besides the officers of state, the duke of Montrose, the marquis of Tweeddale, the earls of Rothes, Morton, Buchan, Lauderdale, Haddington, Leven, Hyndford, Hopeton, Roseberry, and the lords Belhaven, Elibank, Torphichen, Polworth, Balgony, general Wightman, and a considerable number of the principal gentry, officers of the army, and chief inhabitants of the city.

The cavalcade then proceeded through the streets, which were lined by the train bands from the duke of Montrose's lodgings, to the town council house, where they

\* Of these, three were Scottish noblemen, the dukes of Argyle, Montrose, and Roxburgh.

† The accession of the house of Hanover to the crown of Great Britain and their right, were founded exactly upon that principle for which Buchanan contended so earnestly in his treatise *De Jure Regni*—George Louis, elector of Hanover, was the son of Sophia, daughter of Frederick, elector palatine and king of Bohemia, who married Elizabeth, daughter of James I. of England and Sixth of Scotland; now,—setting aside the claims of the house of Savoy, descended from Henrietta, duchess of Orleans, daughter of Charles I.—The princess Sophia was the youngest daughter of the king of Bohemia, and numerous elder lineal heirs were thus passed over; so that the parliament in settling the succession, elected the person considered most fit from among the royal progeny, and not the nearest or most direct in lineage to the parent stem.



were received by the lord provost, magistrates, and council, the senators of the college of justice, the barons of exchequer, commissioners of the revenue, and a numerous assemblage of gentlemen. The proclamation, declaring "that in consequence of the decease of her majesty, the imperial crowns of Great Britain, France, and Ireland, were solely and rightfully come to the high and mighty prince George, elector of Brunswick-Lunenbourg, and with full voice and consent of tongue and heart, acknowledging all faith and constant obedience, with all hearty and humble affection, and beseeching God, by whom kings reign, to bless the royal king George with long and happy years," was signed by all present, amounting to one hundred and twelve. About eleven o'clock the procession marched from the council chamber to the cross, below which a theatre had been erected for their accommodation. Mr. Henry Maule, deputy lord-lyon-king-at-arms, ushered by six trumpets, the heralds and pursuivants in their coats, by two and two, mounted the cross;\* then followed the lord provost, the other magistrates and town council in their robes, ushered by sixteen of the ordinary officers of the city in their livery-coats, with the sword and mace, borne by the proper officers, also bare-headed. The lord provost, with the

\* The cross which modern "taste," has removed, was an ancient structure of mixed architecture, partly Grecian and partly Gothic, the building was octagon, of sixteen feet diameter, about fifteen feet high, besides the pillar in the centre. At each angle there was an ionic pillar, from the top of which a species of Gothic bastion projected; and between the columns there were modern arches. Upon the top of the arch fronting the Netherbow, the town's arms were cut in the shape of a medallion, in rude workmanship; over the other arches, heads also, in the shape of a medallion, were placed. The entry to this building was by a door fronting the Netherbow, which gave access to a stair in the inside, leading to a platform on the top of the building. From the platform rose a column consisting of one stone, upwards of twenty feet high, and fifteen inches diameter, spangled with thistles, and adorned with a Corinthian capital, upon the top of which was an unicorn. From the platform royal proclamations were published.—Arnot's History of Edinburgh, 8vo. p. 232.

sword and mace, went up to the cross, but the town council proceeded to the theatre, where they received Montrose and the rest of the nobility and gentry. When all were properly stationed, the high and mighty prince, George, elector of Brunswick-Lunenbourg was, with sound of trumpet, proclaimed king of Great Britain, France, and Ireland, by the lyon-depute, the lord provost reading the words of the proclamation to him. A discharge of the great guns of the castle followed, then three vollies by the city guard, which were answered by the regulars encamped in St. Ann's yard, near the palace, and who had been stationed there on the first news of the queen's illness, to prevent disturbance; the ringing of bells, with all the usual demonstrations of joy, succeeded,--huzza's and acclamations from an immense crowd, attracted by the novelty of the scene. His grace of Montrose, with his retinue, then accompanied the lord provost and council to the town house, where they drank his majesty's health, the prince, the heir-apparent, and other loyal toasts; thence proceeding to the camp, they were regaled by the general in his tent, and repeated the same toasts under discharges of artillery and small arms; in the evening the town was illuminated, and another round of the castle concluded the public festivities of the day.

Confounded at the sudden and surprising change, the jacobites durst only murmur their requests in secret, and console themselves with the fallacious hope of better times; yet in order to guard against the possibility of any disturbance, the garrison in the castle was increased; in place of the common wooden bridge before the gate, a drawbridge was substituted, and a temporary entrenchment thrown up; the troops also, stationed in the county towns, were brought to reinforce the camp in the capital, but no movement disturbed the tranquillity of the ancient kingdom, and had moderate conciliatory councils been followed by the party now in power, it is probable that in no quarter of the British dominions would the succession have been established with less trouble or more stability

then in Scotland. But unhappily moderation in prosperity is still more rare than the virtues requisite for combating adverse fortune.\* When the king was proclaimed at Glasgow, the mob rather rudely declared their approbation of the change by destroying the episcopalian meeting-house, but no other popular tumult took place; and this, though without much evidence, was said to have been done by the jacobites, to excite the compassion of the tories, as if they were about to be persecuted on account of their religion.

Pursuant to the act that regulated the succession, on the afternoon of the day the queen died parliament assembled, and on the fifth of August were formally addressed by the lord chancellor in name of the regency; in return, addresses were voted to his majesty on his accession, from both houses, and the civil list granted the same as to the queen; they only remained together till they received the king's answer, informing them of his expectation to be speedily among them, and were then prorogued. All the foreign powers concurred in their assurances of supporting the king, and the chevalier de St. George, who had repaired to Versailles on learning the death of the queen, was informed that his residence in France would be dispensed with; his majesty, therefore, as soon as he had arranged the government of his German dominions, set out for England, accompanied by the electoral prince. They were received by the deputies of the states-general with the most studied distinction, and on the fifth day arrived at the Hague amid the loud acclamations of a vast concourse of people. While they remained they were treated with the respect due to great friendly allies, and on the sixteenth day of September embarked at Orange Polder, his majesty, on board the royal yacht *Peregrine*, and the prince on board the *William and Mary*, and under convoy of the British and Dutch fleets, commanded by the earl of Berkley, sailed for England with a fair wind, and next day, at nine in the

\* *Rae's History of the Rebellion, et seq. Account of the Succession of the House of Hanover, 1614, Tracts.*

evening, arrived safely at the Hope; the day after they sailed up the river, and some miles above Gravesend, the king and prince went into a barge and arrived at Greenwich about six in the evening. The duke of Northumberland, captain of the life guard, then in waiting, and the lord chancellor, at the head of the lords of the regency, received his majesty at his landing; accompanied by a crowd of nobility, who greeted his arrival—he walked to his house in the park. When he retired to his bed-chamber, he sent for those who had particularly distinguished themselves in the cause of the succession, and here first exhibited his marked predilection for the whigs. On the twentieth of September, the king and his son, now created prince of Wales, made their entry into the city of London with great magnificence; above two hundred coaches filled with nobility and gentry, each drawn by six horses, preceded the royal carriage, in which were his majesty, his royal highness, and the duke of Northumberland. At St. Margaret's hill, Southwark, he was met by the lord mayor, aldermen, recorder, sheriffs, and officers of the city, and addressed by sir Peter King, recorder, in a congratulating speech, after which the splendid spectacle, favoured by one of the loveliest days of the season, and swelled by this accession, moved onwards to St. James's, where, amid discharges of the park guns, and the enthusiastic shouts of the multitude, his majesty took possession of his palace.

Party spirit probably was never so inveterate in Britain as at the time of the king's arrival; but however much his majesty might have been inclined to favour one of the factions, it was certainly neither politic nor magnanimous to render the other desperate; there could not have been a fairer opportunity for a practical amnesty, and had this been announced, the mutual asperities of the opponents would have been gradually smoothed down till they had become as manageable as modern parliamentary antagonists; the king took a different view of the subject, and decidedly excluded the tories from all hope of favour, and treating them as friends of the pretender,

drove them in desperation to adopt a side which they had only been suspected to favour. Before his arrival Bolingbroke had been dismissed, and now the duke of Ormond and the whole of the tribe were disbanded. The treasury was put in commission, and the earl of Halifax made first lord commissioner. The great seal was given to lord Cowper, the privy seal to the earl of Wharton, the earl of Sutherland was sent lord lieutenant to Ireland, the duke of Devonshire was made steward of the household, lord Townsend and Mr. Stanhope, secretaries of state; the duke of Somerset, master of the horse; Marlborough was restored to his former high station; Mr. Pultney, secretary at war, and Mr. Walpole, leader of the house of commons. The Scottish high officers were thus distributed, the duke of Argyle, commander in chief; the duke of Montrose, secretary of state; duke of Roxburgh, keeper of the great seal, in room of the earl of Findlater, and the marquis of Annandale, privy seal, *vice* the duke of Athol. The vindictive and implacable temper of his majesty's advisers did not however appear in their full strength till the meeting of parliament.

While the line of conduct which the new sovereign should adopt was unknown, the whigs and tories were equally assiduous in courting his favour, and among others the earl of Mar, sent him the following dutiful offer of his service, which he received before he reached England.

“ Sir,—Having the happiness to be your majesty's subject, and also the honour of being one of your servants as one of your secretaries of state, I beg leave by this to kiss your majesty's hand, and congratulate your majesty's happy accession to the throne, which I would have done myself the honour of doing sooner, had I not hoped to have the honour of doing it personally ere now. I am afraid I may have had the misfortune of being misrepresented to your majesty, and my reason for thinking so is, because I was I believe the only one of the late queen's servants, whom your ministers here did not visit, which I mentioned to Mr. Harley and the earl of Clarendon, when

they went from home to wait on your majesty; and your ministers carrying so to me was the occasion of my receiving such orders as deprived me of the honour and satisfaction of waiting on them, and being known to them. I suppose I had been misrepresented to them by some, who, upon account of party, or to ingratiate themselves by aspersing others, as our parties have too often occasion. But I hope your majesty will be so just as not to give credit to such misrepresentations. The part I acted in bringing about and making of the union, when the succession to the crown was settled for Scotland on your majesty's family, when I had the honour to serve as secretary of state for the kingdom, doth, I hope, put my sincerity and faithfulness to your majesty out of dispute. My family had the honour, for a great tract of years, to be faithful servants to the crown, and have had the care of the king's children—when kings of Scotland—intrusted to them. A predecessor of mine was honoured with the care of your majesty's grandmother, when young; and she was pleased to express some concern for our family, in letters which I still have under her own hand.

“ I had the honour to serve her late majesty in one capacity or other ever since her accession to the crown. I was happy in a good mistress, and she was pleased to have some confidence in me, and regard for my service; and since your majesty's happy accession to the crown, I hope you will find that I have not been wanting in my duty in being instrumental in keeping things quiet and peaceable in the country to which I belong, and have some interest in. Your majesty shall ever find me as faithful and dutiful a subject and servant as ever any of my family have been to the crown, or as I have been to my late mistress the queen. And I beg your majesty may be so good as not to believe any misrepresentations of me, which nothing but party hatred, and the zeal for the interest of the crown, doth occasion; and I hope I may presume to lay claim to your royal favour and protection. As your accession to the crown hath been quiet and peaceable, may your majesty's reign be long prosperous, and that your people may

soon have the happiness and satisfaction of your presence among them, is the earnest and fervent wishes of him who is, with the humblest duty and respect, Sir, your majesty's most faithful, most dutiful, and most obedient subject and servant—MAR." Dated Whitehall, August 30, O. S. 1714.

Some foolish ebullitions of jacobite zeal in Scotland had attracted the notice of the regency, who ordered the duke of Gordon to abide in Edinburgh, the marquis of Huntly to remain at home, and lord Drummond to keep quiet in the castle of that ilk; M'Donald of Slait, and Campbell of Glanderule, were also secured and sent to the castle of Edinburgh. The duke of Athol was ordered to stay at his castle of Blair, and preserve the peace of the country, while a great hunting match projected in the south was expressly forbid, as hunting and horse-racing had so often been made pretexts for traiterous assemblings, but a more important measure, that Mar had effected, was rendered abortive by the neglect with which he was treated, and the supremacy of the opposite faction. He had procured an address to the king upon his accession, from upwards of one hundred of the chiefs and chieftains of the highlands, expressing their joy at that event, and their wishes for the prosperity of his family; "your majesty," said they, "has the blood of our ancient monarchs in your veins, and in your family; may that royal race ever continue to reign over us." "Our mountains, though undervalued by some are, nevertheless acknowledged to have in all times been fruitful in producing gallant and hardy men, and such we hope shall never be wanting among us, who shall be ready to undergo all dangers in defence of your majesty and your royal posterity's only right to the crown." These expressions of loyalty were however represented as having been manufactured at St. Germain, for the purpose of deceit, and the proffered offer of dutiful submission being treated with scorn, the subscribers were left to consider themselves absolved, from the obligations of loyalty to a prince who despised them.

As the fears of the presbyterians had been uncommonly excited, and as the king, with justice, considered them the staunchest supporters of his crown, at the first council he held he voluntarily required that the oath relative to the security of the church of Scotland, should be tendered to him, and ordered a minute of the transaction to be entered on the council record, and a copy sent to the court of session, to be entered in the book of sederunt, and afterwards lodged in the public register of Scotland, after which he emitted the following declaration, which, like that of James II. on a similar occasion, was made public at the request of the lords of council, and is worthy of being contrasted with that famous production, [*vide* vol. v. p. 190-1.] “ Having in my answers to the addresses of both houses of parliament, fully expressed my resolution to defend the religion and civil right of all my subjects, there remains very little for me to say on the present occasion; yet being willing to omit no opportunity of giving all possible assurances to a people who have already deserved so well of me, I take this occasion also to express to you my firm purpose to do all that is in my power for supporting and maintaining the churches of England and Scotland, as they are severally by law established, which I am of opinion may be effectually done without the least impairing the toleration allowed by law to protestant dissenters, so agreeable to christian charity, and so necessary to the trade and riches of this kingdom. ‘The good effects of making property secure are nowhere so clearly seen, and to so great a degree, as in this happy kingdom, and I assure you that there is not any among you shall more earnestly endeavour the preservation of it than myself.”

On the twenty-first of October the coronation took place, which was not only celebrated with splendour in the capital, but was a day of universal gladness throughout the lowlands of Scotland:\* and among the various towns

\* At this ceremony the duke of Argyle bore the sceptre with the dove, the earl of Sutherland, one of the swords, no other Scottish noblemen appeared in the procession.



and villages in England, particularly where the dissenting interest was strong, addresses of congratulation powered in from every quarter, and not even the forfeited James himself was more overloaded with this cheap species of loyalty. That the generality were sincere at the time, as far as such professions usually are, may be safely admitted, although a number who pressed to sign them, soon after appeared in very different associations.

Select addresses from men of property, whose names are known, and by being published became pledged for their principles, are always highly important to a government; but popular addresses of condolence, or congratulation professions of attachment, and offers of life and fortune, where corporations follow their leaders, or where the responsibility of the promise is attenuated by its extension over a multitude of obscure individuals, like the shoutings of the crowd, are of very secondary moment. Among others conspicuous on this occasion was the convention of the royal burghs; and the various synods and presbyteries of the church of Scotland, and these last were valuable as the expressions of tried friends, whose adherence to the protestant succession was not only steady, but whose interest it was impossible to separate from it.\*

Besides, as a token of gratitude for early marks of favour the king had shown them, the very reverend the principal of Edinburgh college, Carstairs, with Messrs. Hart, Linning, and Ramsay, were appointed a deputation from the commission of the general assembly to wait upon his majesty. They arrived in London after the coronation was over, and the

\* Robethon, secretary to the elector, in October 1713, by command of his highness and his mother, alluding to the grievances of the church, in a letter to Carstairs, after thanking the assembly for their public appearance in favour of their family, adds—"A quoi elles reponderont de leur costé en foissant redresser les griefs de la nation Escossoise aussitot quelles en auront le puvor. On ne doit pas croire que, par rapport a ces griefs, et mesme par rapport a la dissolution de l'union, les Escossois purroient obtenir d'avantage du pretendant que de leur Altesses dans la succession des quelles (outre le redressement de leurs griefs) ils trouveront la surté de leur religion loix biens et libertes."

crowd of congratulators had dispersed, and were treated with the most marked attention by his majesty. The duke of Montrose introduced them, and Carstairs, in an elegant speech, delivered in French, expressed the deep and thankful sense the ministers of the church of Scotland had of the mercy of the God of Heaven, who had brought his majesty to his dominions in peace and safety, and placed that crown upon his royal head, to which he alone had a just and unquestionable right; he then adverted to the zeal the church had always shown for the house of Hanover, and their prudence in not allowing themselves to be provoked into any disloyalty to the late queen, even by all the injuries they had suffered, and which they knew their enemies above all things desired; and particularly noticed the remarkable proof of his majesty's kindness, in obliging himself, so seasonably, by oath, to maintain the presbyterian church government, doctrine, worship, and discipline of the church of Scotland, with all her legal rights and privileges, so that they had good ground to hope they should not only be preserved from all insults and encroachments upon their constitution in future, but also have a favourable hearing as to any just and reasonable representations of what was grievous to them, which at any time they might have occasion to try before him. The king graciously replied, "I humbly join with you in your thankfulness to God for having blessed your remarkable firmness in so good a cause with the desired success. You may be sure of a suitable return on my part by my protecting you in the enjoyment of all your just rights and privileges." They were afterwards introduced to the prince and princess of Wales, who also expressed the sense they had of the zeal of the church of Scotland for the protestant succession in their family, and assured the commissioners of their countenance and favour.

At the revolution, the admission of men steeped to the very lips in crime, to the confidence and councils of the sovereign, occasioned a sad mixture in the measures of William. At the succession, the total and severe exclusion not only from the government, but from all expectation, of

every one who had held any responsible station during the power of the tories, and the proscription of men whose conduct had the authority of their queen and the approval of parliament to plead, led to the rebellion which almost immediately followed. Resentment naturally united the tories, and the only road which they thought could lead to success was by raising the high church cry in England, and raising the highland clans in Scotland. The first was immediately adopted. When the second was resolved upon it is more difficult to say; but I am inclined to believe no serious intentions of open insurrection was entertained previously to the impeachment of Oxford.\* The high church cry was evidently intended to influence the approaching elections upon the expected dissolution of parliament.

Meanwhile the pretender issued a declaration, copies of which he transmitted by the French mail to the dukes of Marlborough, Argyle, and several other distinguished noblemen. It was dated at Plombiers, August 29, 1714, and printed in English, French, and Latin. Though with less effect, yet in a similar strain with what we have witnessed in later years, he invoked all kings, princes, and potentates, to interfere in the cause of injured royalty, a cause essentially their own, and called upon his loving subjects to seek a lasting peace and happiness, which they could never expect to enjoy “till they settle the succession again in the rightful line, and recal us the immediate lawful heir, and the only born Englishman now left of the royal family.” “This,” he adds, “certainly being

\* What tended to irritate the grievances of the Scottish nobility was the very doubtful interference of the earl of Hlay with some of the appointments of the late government. The chamberlain's court had been revived in the later years of the queen's reign, and sir Hugh Paterson of Bannockburn, Mar's brother-in-law, and Lord Haddo, son of the Earl of Aberdeen, appointed commissioners with salaries of L.1000 each. Viscount Kilsyth, and the lyon-king-at-arms, had also two grants for similar sums; but when these were presented after the queen's death, Hlay interposed, and the regency ordered the payment to be stopped, by which pitiful saving four influential characters were alienated from the house of Hanover.

the true interest of Great Britain, we had reason to hope, that a wise people would not have lost so natural an occasion of recalling us as they have lately had ;” and then, as if no Dunkirk expedition had ever sailed, he proceeds, “ since they could not but see, by all the steps we have hitherto made, that we had rather owe our restoration to the good will of our people, than involve them in a war though never so just !” The paragraph, however, which follows, made the most powerful impression at the time, but had a very different effect from what he intended. “ Yet contrary to our expectations, upon the death of the princess our sister, of whose good intentions towards us we could not for some time past well doubt, (and this was the reason we thus sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death,) we found that our people, instead of taking this favourable opportunity of retrieving the honour and true interest of the country, by doing us and themselves justice, had immediately proclaimed to their king a foreign prince to our prejudice, contrary to the fundamental and incontestible laws of hereditary right.” This was considered as decisive of the intentions of the late queen, and the treason of the cabinet, and was used to raise the hatred of the people against the humbled faction.

In the proclamation [January 15, 1715] for summoning a new parliament, the predominant party resorted to what must be considered an unconstitutional interference on the part of the crown, in denouncing the late ministry, and directing the electors what kind of members they should choose. “ It having pleased God, by most remarkable steps of his providence, to bring us safe to the crown of this kingdom, notwithstanding the designs of evil men, who showed themselves disaffected to our succession, and who have since, with the utmost degree of malice, misrepresented our firm resolutions and uniform endeavours to preserve and defend our most excellent constitution, both in church and state, and attempted by many false suggestions to render us suspected to our people,—we cannot omit on this occasion, of first summoning our parliament of Great Britain, in justice to

ourselves, and that the miscarriages of others may not be imputed to us at a time when false impressions may do the greatest and irrecoverable hurt before they can be cleared up, to signify to our whole kingdom that we were very much concerned, at our accession to the crown, to find the public affairs of our kingdom under the greatest difficulties, as well in respect of our trade, and interruption of our navigation, as of the great debts of our nation, which we were surprised to observe had been very much increased since the conclusion of the last war. We do not therefore doubt that if the ensuing elections should be made by our loving subjects with that safety and freedom which by law they are entitled to, and we are firmly resolved to maintain to them, they will send up to parliament the fittest persons to redress the present disorders, and to provide for the peace and happiness of our kingdom, and the ease of our people for the future, and therein will have a particular regard to such as showed a firmness to the protestant succession when it was in danger."

The earl of Strafford's papers were at the same time seized, and Mr. Prior the poet, supposed to be implicated, was ordered home from Paris, where he had remained as envoy. Throughout England, the whigs were almost generally successful in their tumultuary elections; in Scotland, the tories could only attempt to form a party among the nobles, and a letter was published, dissuading the peers from voting for the court candidates, a list of whom they contemptuously alleged Argyle had brought down in his pocket from London; but the letter made little impression, and sixteen were returned who all were, or professed to be, attached to the protestant succession.\* With the commons the dissolution of the union was revived, nor with more success. The universal feeling of the counties and burghs was in favour of the protestant succession. In the north

\* These were the dukes of Roxburgh and Montrose, the marquises of Tweeddale, Lothian, and Annandale, the earls of Sutherland, Rothes, Buchan, Loudon, Orkney, Stair, Bute, Deloraine, and Ilay, and the lords Ross and Belhaven.

alone was there any appearance of a struggle. This happened at Inverness.

Mr. John Forbes of Culloden was the government candidate, against whom a violent opposition was raised by Mackenzie of Preston-Hall, a jacobite,\* who being at the time in possession of the estate of Lovat, and claiming to be head of the clan Frazer, came, accompanied by Glengarry and a strong body of highlanders to force the Frazers to vote for him; but the influence of the infamous Simon of Beaufort, who again made his appearance upon the stage at this juncture, carried the day in favour of Culloden. This ruffian whom we left in the bastile, [Vol. V. p. 537.] had contrived to make his escape from France, and was at this time soliciting, through the earl of Ilay, that remission which king William had refused him; during his absence the clan, who certainly evinced a very strong attachment to him, notwithstanding his atrocities, rather than acknowledge another chief, had made a full resignation into the hands of the duke of Argyle, and now at his desire signed a dutiful address to the king, and supported the loyal candidate.

When parliament assembled, March 17th, the apprehensions of the tories were realized, the royal speech in terms similar to the proclamation, held up the late ministers to the execration of the nation, and the addresses of the two houses voted by strong majorities, conveyed to the throne the approbation of the speech. His majesty thanked his loving subjects for the zeal they had shown in defence of the protestant succession against secret and open enemies, regretted that the unparalleled success of the late war had not been attended with a suitable conclusion, informed them that the pretender, who still resided at Lorrain, boasted of the assistance which he yet expected in Britain, to repair his former disappointments; the trade, he lamented, was greatly embarrassed, and the public debt

\* Prestonhall married the baroness of Lovat, eldest daughter of Hugh, tenth lord Lovat, and assumed the name of Frazer of Frazerdale. He had the liferent of the estates, but the Frazers would not acknowledge him as their chief, and he forfeited the liferent in the rebellion 1715.

surprisingly increased ever since the fatal cessation of arms. The branches of revenue, he informed the commons, formerly granted for the support of civil government, were so far encumbered and alienated, that the produce of the funds which remained would be inadequate for maintaining the honour and dignity of the crown. He declared that the established constitution in church and state should be the rule of his government, and the happiness, ease, and prosperity of his people the chief care of his life. "Those who assist me," said he in conclusion, "in carrying on these measures, I shall always esteem my best friends; and I doubt not but that I shall be able with your assistance, to disappoint the designs of those who would deprive me of that blessing I value most—the affection of my people." The topics of reply in both houses were pretty much alike, only the commons were somewhat more explicit. With regard to the vengeance awaiting the late ministers, "it is with just resentment," say they, "we observe that the pretender still resides in Lorrain; and that he has the presumption, by declarations from thence, to stir up your majesty's subjects to rebellion. But that which raises the utmost indignation of your commons is, that it appears therein, that his hopes were built upon the measures that had been taken for some time past in Great Britain. It shall be our business to trace out these measures wherein he placed his hopes, and to bring the authors of them to condign punishment." The ministerial members explained in their speeches the meaning of the address; Mr. secretary Stanhope "assured the house, that notwithstanding all the endeavours that had been used to prevent a discovery of the late mismanagements, by carrying away several papers from the secretary's office; yet the government had sufficient evidence left to prove the late ministers the most corrupt that ever sat at the helm." Bolingbroke and Ormond, who saw their cause evidently prejudged, whatever were their demerits, preferred flying to the continent to standing trial, and sought refuge in the court of the pretender; thus giving the stamp of authenticity in the opinion of the public to all the previous attach-

ment of which they had been accused; they were both impeached and forfeited in absence. Bolingbroke, after a while tired of the listless idle masquerade, made his peace with government, and returned. Ormond, indignant at the treatment he had received, refused submission, and continued till death to linger among the chevalier's mimic scenes of royalty. Oxford, conscious that for all his ministerial conduct, he had the authority of his late royal mistress, and the approbation of parliament, determined to remain. A change of ministry saved him from attainder, and the reign of George from a gross inroad upon the constitutional security of public men.

Equally zealous for the Hanoverian succession, the first general assembly of the church of Scotland, which sat in this reign, met, as in good old times, during the session of parliament. The earl of Rothes, his majesty's commissioner, brought them as affectionate a letter as they could have desired, and which their steady attachment to the Hanoverian succession had well merited.

"Right reverend and well-beloved," began the royal epistle, "we greet you well: We are so well satisfied with the proofs the church of Scotland have given of their steady adherence to the protestant succession in our family, the loyalty and affection they have shown to our person and government, and their constant zeal for the protestant interest, that we very willingly countenance with our authority this first assembly of our reign. We cheerfully embrace this opportunity of assuring you, that we will inviolably maintain the presbyterian church of Scotland, her rights and privileges, as we engaged to do upon our accession to the crown, and will protect her from any illegal insults and encroachments being made upon her of what kind soever." He then proceeds in the usual style, recommending the planting vacant churches with learned and pious ministers, unanimity among themselves, and concludes with expressions of the most complete confidence in their conduct. In their answer, the venerable court disclaimed any merit in the conduct they had pursued, as being that to which both their duty and interest bound them;



and amid their grateful acknowledgments put upon the record, a sentiment whose tenor it is devoutly to be wished had been carefully followed up by that and every succeeding assembly. "We are deeply sensible of the necessity of a holy and well qualified ministry for advancing the great ends of the gospel of our Redeemer: and that profane churchmen are one of the greatest plagues that either a church or civil society can have; and we shall not be wanting in using our utmost endeavours to answer, that your majesty can expect of us in our present circumstances as to this matter." This sentiment they immediately followed up by approving the procedure of the synod of Aberdeen against Mr. James and Mr. John Maitland, for not praying for king George *nominatim*, and not keeping the thanksgiving for his majesty's happy accession, and deposing them *simpliciter* from the office of the ministry.

They then had their attention directed to the cases of intruders, which were very numerous, particularly in the north, owing to the general and fond expectation of the episcopalians that their cause would soon become predominant. An act was likewise passed prohibiting prelatical preachers, and some who profess to be presbyterians, but separate from the church, to exercise church discipline, which was perhaps not more than was to be expected from a legalised establishment; but it was followed by one not altogether so defensible, entitled, "an act for prosecuting some, who professing to be presbyterians, do separate from this church; and an appointment concerning papists and episcopal intruders." The former part of the act was levelled against those who were striving for the purity and strictness of covenanted principle, carried to probably an unnecessary length; but they were conscientious men, correct in their morals, and sound in their doctrine, only troublesome, through over-scrupulousness. Yet the assembly instructed their commission, if need be, to apply to the civil government for suppressing their disorders, by which were evidently meant—their freely preaching to the people upon the points of dissent. The zeal of the venerable body to secure manses, glebes, and churches, against papists and

episcopalians, was perfectly natural, although it was not altogether fair to mix it up with the case of their presbyterian brethren. A memorial upon the grievances of patronage and toleration was laid before this assembly, but nothing was done in the business, and as matters turned out, it was perhaps a blessing that it was so, for had any thing been done, it is likely it would have thrown more power into the hands of the churchmen, which for their own sakes, setting aside the lieges, it is as well they are without.

In his speech before the assembly rose, the moderator briefly mentioned the grievances of the church, and the confidence they had in his majesty's readiness to redress them; but the machinations of the jacobites were what chiefly attracted their attention, and alarmed their minds, and therefore he concluded his advice to the commissioner, by assuring him, "that it was the fixed purpose of the church, from a deep sense of gratitude to God, and of their duty to his majesty, to have it for their constant concern to give a steady example of firm and unmoved loyalty to his majesty, and of their utter aversion to all attempts that have the least tendency to shake the throne of those nations that is filled by his sacred person so happily, so rightly, and with so great glory to his subjects, and such universal satisfaction, not only to protestants abroad, but to all sincere lovers of the valuable rights of mankind; and that they are deeply affected that there should be any of his majesty's protestant subjects so blinded with unaccountable prejudices as to favour a popish pretender, who, they heartily wish, may be sensible of their great mistake, and of the lamentable confusions that must attend their succeeding in their wicked designs."\*

Meanwhile the jacobites, encouraged by the tories, com-

\* The general assembly [1709] having ordered a collection to be made for Mr. John James Caesar, minister of the Calvinist German congregation, London, for building a church, and raising a fund to maintain the ministers; Nicol Spence, agent for the church, presented to this meeting the amount of the proceeds, which, to the praise of the liberality of our forefathers, amounted to no less a sum than six hundred and forty-six pounds, five shillings and sixpence.

mitted the most furious outrages in England, by mobbing, and raising the ultra cry of the church in danger, as fiercely as in the hottest days of the Sacheveral mania, and in particular vented their spleen against every thing that had the appearance of presbyterian. In numerous instances their chapels were destroyed, themselves abused, and every species of contumely heaped upon them as enemies to church and disloyal to the state; for these disgraceful scenes Oxford was pre-eminently distinguished, and the birth-day of the pretender was signalised by superior outrage, which it required the vigorous arm of power to repress, and originated the strong but salutary measure of the riot act.

In wealthy well regulated countries, where the generality of the people feel themselves individually comfortable and protected, they may safely be allowed to vapour and make a noise about the public grievances, it is only when public misconduct presses hard upon private enjoyment that a people are apt to rise against even a vicious government. The hardships of the majority of the tories and jacobites in England were imaginary, and therefore easily evaporated over a flowing bowl in a jacobite song or seditious toast. It was different in the highlands of Scotland from the state of society; and among the lowland Scots there was scarcely a jacobite who was not suffering real and absolute deprivation of one species or another; their preparations were not so noisy as their southern friends, but they were more determined. So early as the month of February, they had considerably advanced in the north,\* and ammunition, military stores, and secret agents had arrived in the western isles, accompanied and preceded by the usual reports of the pretender himself being upon the point of following with a powerful auxiliary force; but the regular troops in Scotland were not increased, only the few regiments scattered over the country were collected and encamped on Leith links.

King George's birth-day [May 28th] was celebrated throughout the ancient kingdom with every demonstration

\* Culloden Papers, p. 37.

of joy, nor did the jacobites attempt any interruption except at Dundee, where the magistrates the day before, forbade by proclamation, under a penalty of forty pounds Scots, the inhabitants from discovering any symptoms of rejoicing; but the burgers, determined to support the character of the town, yet evade the fine, marched out beyond the magistrates' jurisdiction, and drew up in arms at the house of Didhope, where they drank his majesty's health, and disappointment to his enemies, with many other loyal toasts, each accompanied by a volley; and having thus performed the honours of the day, returned without the smallest disorder, to the great mortification of their jacobite magistrates, who, however, endeavoured to console themselves next day, by celebrating the anniversary of the restoration of king Charles the second with great solemnity; and some of them more zealous than the rest, on the 10th of June, went to the cross, and drank publicly the health of the pretender, by the name of king James the eighth.

Only one instance of outrage is mentioned, which was committed on an unfortunate gauger at Crieff—then, as after, a smuggling district,—whom having soundly drubbed, they cropped off an ear, telling him, they had “marked him for Hanover.” In the south, in Dumfriesshire, and the districts around, the gentlemen attached to the exiled family, in the hope of some speedy movement in their favour, were busily employed in buying up all the serviceable horses, and procuring cavalry accoutrements; while throughout the whole of the country, the suspicious activity of the known jacobites and doubtful characters excited strong alarm in the friends of government, which was strengthened by the seizure of various packages of arms covertly conveying to the highlands. Nor was the pretender inactive, his correspondence was extended among the tories in England, many of whom, in despair at the severity of the new administration, lent themselves to the jacobites, who, highly inspirited by this accession, sent the most exaggerated accounts of the universal feeling of the nation, having reverted to its natural channel in favour of the hereditary prince, to the chevalier, who communicated

them to the court of France, and received in return secret assurances of assistance; and his agents were reported to have collected immense sums in Germany, Switzerland, Italy, and France, under the immediate auspices of the pope, for the furtherance of this holy expedition, which was to restore the British isles to a devoted son of the church.\*

But at this time the earl of Stair, a nobleman not more distinguished in the field than in the cabinet, was British ambassador at the court of Versailles,† and by his uncommon ability, contrived to discover and give his court warning of every projected scheme against them, before they were almost shaped into form. Of these projects he had early sent notice to England, and ere the rebellion had burst forth in Scotland, the king, from the communications he had received from abroad, found himself warranted in announcing its existence. Accordingly, when giving his assent to the riot act on the 20th of July, he, after thanking parliament for their care to preserve the public tranquillity, informed them “that he was sorry to find such a spirit of rebellion had discovered itself as to leave no room to doubt but these disorders were set on foot and encouraged by persons disaffected to government, in expectation of being supported from abroad; and in these

\* In the *Annals of George I.* it is said the agents of the pretender, complained, after the failure of the expedition, “that those entrusted in Scotland had spent twelve millions [of francs?] in that expedition, and done nothing but ruined their friends;”—an exaggeration as ridiculous as the account of the preparations at Havre de Grace for the invasion, all which were overrated at the time for political purposes, and cannot now be accurately corrected.—Rae’s *Hist.* pp. 187, 222. I quote indiscriminately from the *Annals of George I.*, the *Complete Hist. of the Rebellion*, Tindal, or Rae’s *Hist. of the Rebellion*, which two last are mostly transcripts from the two first from Patton.

† The earl was remarkable for that essential quality in a diplomatist, the power of distinguishing not only the characters of those whose conduct he was sent to watch as a privileged spy, but also that of the instruments he found it necessary to employ, where a man is so apt to be misled by personal friendship, or the recommendation of friends. I find that he singled out Colonel Gardner, then a very young man, as a confidential messenger.—Doddridge’s *Life of Gardner*.

circumstances he did not doubt but that they would so far consult their own safety, as not to leave the nation under a rebellion actually begun at home, and threatened with an invasion from abroad in a defenceless condition." This communication was answered by the common assurances of support, and a request that a fleet might be equipped sufficient to guard the British coasts from invasion, and the land forces augmented so as to render it ineffectual, should any armament have the good fortune to escape at sea.

The habeas corpus act, and the Scottish act against wrongous imprisonment, were suspended, and one hundred thousand pounds voted for seizing the pretender dead or alive, in case of his attempting to land in Britain; and in an act passed for encouraging loyalty in Scotland, loyal vassals holding lands of any superior guilty of high treason, by corresponding with or supporting the pretender, were to be invested with the said lands in fee and heritage for ever; and in like manner, if the superior should continue loyal, and the vassal commit treason, his lands were to return into the hands of the superior, and be consolidated with the superiority; tenants were to enjoy their possessions two years rent free; all entails and settlements of estates in favour of children, or others, executed since the 1st of August 1714, with intent to avoid the penalties of law, were, upon the devisers being convicted of high treason, to become null and void; and government were authorized to summon all suspected persons to Edinburgh, or wherever it should be judged expedient, and exact bail from them for their good behaviour.

Government, thus strengthened, took immediate steps for putting the nation in a state of defence. The fleet was ordered to rendezvous in the Downs, under admiral sir George Byng. General Earl governor of Portsmouth was ordered to repair to his post to prevent a surprise; a camp was formed in Hyde Park under general Cadogan; the militia of Middlesex was called out, and the trainbands ordered to hold themselves in readiness. Thirteen regiments of dragoons, and eight of infantry, were raised, and two British regiments which had been left on the Continent

by the duke of Ormond were recalled. Application at the same time was made to the Dutch for six thousand troops, and the squadron stipulated for on the late treaty. But while these vigorous preparations were going forward in England, Scotland was left strangely neglected, and the zeal of the presbyterians was rather repressed than encouraged by government; yet notwithstanding they displayed an ardour in the cause which was eventually of the highest importance.

Upon the first news of the intended invasion, the few regular troops that were in Edinburgh were encamped in St. Ann's yards.\* The trainbands were put in requisition, and the city-guard reinforced; four hundred men were also ordered to be levied at the expense of the good town, to be commanded by officers appointed by the lord provost and magistrates, under whose direction they were to act for the defence of the city.

The noblest expression, however, of their patriotism, was the formation of two voluntary associations in defence of that religion and liberty for which their fathers had so strenuously contended, the overthrow of which must have been the consequence of any second "restoration." The first consisted of "men of quality and substance," who were not only willing to adventure their lives, but to sacrifice their property in the cause; the other consisted of those who, unable to support themselves, could merely render personal service—their bond of association was the same. It expressed their deep sense of the goodness of Almighty God, in bringing their only rightful and lawful sovereign king George to the peaceable possession of the imperial crown, under whose administration they enjoyed the invaluable blessings of religion and liberty preserved to themselves, and the comfortable prospect of transmitting them to their posterity; narrated as evident the existence of a design being on foot, of an invasion from abroad in fa-

\* At that period, in time of peace, the regular soldiers were billeted on the inhabitants, and seldom exercised in bodies; but when they "went into camp," upon any alarm, they were frequently drilled and trained to act together.

vour of the pretender, while his friends and abettors at home were preparing to involve the nations in blood and confusion, and wreath the yoke of popery and slavery about their necks; and they thus conclude the preamble,—  
“ Being convinced that it is our duty, as good protestant subjects, to contribute our endeavours for preventing these malicious and fatal attempts, we do, conform to the laudable practice in former times of imminent danger, hereby mutually promise, and solemnly engage and oblige ourselves to stand by and assist one another to the utmost of our power in the support and defence of his majesty king George, our only rightful sovereign, and of the Protestant succession now happily established against all open and secret enemies, for the preservation and security of our holy religion, civil liberties, and most excellent constitution both in church and state.”

Copies of this bond were forwarded to all parts of the country, accompanied by an animated circular, reminding the people of the unparalleled cruelties they had experienced when a popish faction had the ascendant; of the remarkable deliverance God had wrought for them, in breaking the yoke of their arbitrary and tyrannical government by the great king William in the glorious revolution; of the signal interposition of Heaven in defeating the last attempt, and in bringing his present majesty [king George I.] to the quiet and peaceable possession of the throne; and concluding, in the manner of the olden time, with the scriptural exhortation of the days of the covenant, “ Let us be of good courage, and play the man for our people and the cities of our God, and let the Lord do as seemeth him good.”

The effects these produced were great, and promised to have awakened among the mass of the presbyterians a spirit of high daring and unanimous concert similar to the spirit of their fathers. The subscriptions of the wealthy in Edinburgh and Glasgow were quick and liberal, and “ the honest men,” who had neither silver nor gold, came cheerfully forward in crowds to offer themselves; but it being suggested by some over-cautious friend or insidious



enemy, that collecting money in this manner for a public purpose, was invading the privileges of the House of Commons,\* addresses were sent from the two chief cities to his majesty with tenders of service. Polite answers were returned, thanking them for their offers, and praising their loyalty, but informing them that he deemed the measures government had taken for the security and defence of the ancient kingdom sufficient for that purpose, and therefore declined putting his loving subjects to any unnecessary trouble or expense.

Although this repulse prevented a general association throughout the country, and a show of force and of loyalty which might probably have deterred the highlanders from rising, yet a number of gentlemen who viewed his majesty's replies as emanating from a spirit of jealousy on the part of his English advisers, or a dread lest the Scottish lowland population should again feel their own strength, did not desist from their preparations to meet the coming storm. In the capital, upwards of four hundred of associated volunteers were trained in the large hall of the college; and in the west country, ever true to the principles of the whigs, the enlistment was carried to a wider extent, and often attended with the happiest consequences. Dumfries, Galloway, and Kirkcudbright, were also extremely active; the friends of liberty and the constitution in these quarters being surrounded with violent jacobites, the descendants of the persecutors, and the pretender being expected to attempt a landing on that coast.†

\* In our own day a private committee at Lloyd's voted thanks and rewards to officers, both civil and military—a much more serious encroachment on the constitution.

† About the end of July 1715, major James Aikman was sent hither from Edinburgh to see what length our preparations were come, and to further them all he could. And upon his return from Galloway, where he reviewed some brave men; on the tenth of August he reviewed such of the fencible men in the upper parts of Nithsdale as were provided with arms at a general rendezvous on Margery muir, accompanied by sir Thomas Kirkpatrick of Closeburn, Mr. Gordon of Earlstoun, Mr. James Nimmo from Edinburgh, and some others. After which, the major, with the aforesaid gentlemen and Mr. John Pollock, minister of

Already, ere these preparations were completed, the signal for revolt was given. Mar, when he found all his offers of service were rejected, and perceived the unrelenting animosity with which the whigs sought vengeance on their political opponents, entered into a closer communication with the pretender and with the English jacobites, and having received a sum of money and instructions from abroad,\* he early in August left London in disguise, accompanied by major-general Hamilton, colonel Hay, and two servants, and proceeded for Newcastle on board a collier; having arrived there after a passage of two or three days, he hired a vessel from one Spence, and sailed for Scotland. About the 14th, he landed at Ely, in Fifeshire, whence

Glencairn, had a meeting at Closeburn to concert what measures were proper to be taken in view of the present danger, and it was unanimously agreed, 1st, That each parish be modelled into companies, and proper officers chosen for that effect. 2d, That each parish exercise twice or thrice in the week. 3d, That upon the first advice of the pretender's landing, each parish should meet by themselves in some convenient place appointed for that effect, then to concert what is proper to be done either with horse or foot; and it was earnestly desired they should bring their best arms and ammunition with them to that place. 4th, That upon the first notice of the pretender's arrival, at loch Ryan, Kirkcudbright, upon the borders, or in the frith of Leith, Sanquhar should be the place of public rendezvous for the western shires. 5th, That, upon the enemies landing in any of these places, all the horses and cattle should be driven from the coasts into the country, and that a body of our horsemen should wait on to hinder them plundering the country and seizing of horses if possible. 6th, That there be a party of light horse or foot in each parish, to join with such in neighbouring parishes, to hinder the jacobites in the country from joining with the French, to interrupt their communications, and to harass their parties. And in order to this, that all roads leading to the enemy should be stopped, and persons travelling towards them in arms secured. 7th, That all boats upon the western coast should be secured to prevent the jacobites going to the French fleet upon their first appearance, their carrying provisions to them, or assisting them in their landing; and, lastly, that our friends in every particular district fall upon ways and means to make the aforesaid particulars effectual. Rae, pp. 184-5.

\* He is said to have received one hundred thousand pounds sterling; but this I apprehend must be greatly overrated, for as it must have been conveyed to Scotland in specie, I cannot imagine how so large a sum could have escaped the vigilance of government or their spies.

he went to Crail, where he was met by sir Alexander Erskine, lord lyon, and others of his friends, to whom he made known the object of his mission. The seventeenth they spent at Kinnoul, and on the eighteenth passed the river Tay on their way to the north, with a retinue of about forty horse; next day he sent notice of his arrival to all the jacobites in the country, with instructions to meet him at Bræ-mar in Aberdeenshire, where he arrived on the twentieth of the same month.

What previous correspondence the earl had had with Scotland is uncertain, as none of the documents which could throw light upon the subject have yet been discovered. I apprehend, however, that except with the highlands, it was not very extensive till after he was actually in the field. On the 6th of August his friends in Edinburgh were informed of his intended expedition, but even then they deemed it necessary to conceal it, except from a very few; nor could that zealous and tried friend of the Stuarts, Lockhart of Carnwath, obtain any certain intelligence on the subject.\* Captain Straton, and Hall the priest, seem to have been the agents chiefly intrusted in the capital. So soon, however, as it was ascertained that Mar was about to leave London, captain John Dalziel, a half-pay officer, who, in prospect of being employed for the pretender, had thrown up his commission, was sent with the news to his brother, the earl of Carnwath, then at Elliot. Expresses were likewise sent to the earl of Nithsdale, the viscount Kenmure, and others of the party in that quarter, who immediately assembled and proceeded for Lothian under the pretence of going to a hunting match in the north.† This

\* From Lockhart's commentaries it would appear that the jacobite party were split into two parties even then, the remnant of the Hamiltonian party, and the Athol party, who viewed each other with suspicion, and occasioned both uncertainty and delay in the first operations of the rebels, vol. i. p. 488. Patten, in his history, insinuates also something of suspicions and dissensions, p. 150.

† Hunting matches among the ancient Scots were of the most splendid description. Queen Mary's Athol stag hunt was of this kind, which the

was the cloak under which the earl of Mar collected the chiefs of his party at Bræ-mar on the twenty-sixth, and where a great number of the first noblemen and gentlemen of the country attended. The marquises of Huntly and Tullibardine, the earls of Nithsdale, Marishall, Traquair, Errol, Southesk, Carnwath, Seaforth, and Linlithgow; viscounts Kilsyth, Kenmure, Kingston, and Stormont; lords Rollo, Duffus, Drummond, Strathallan, Ogilvy, and Nairn, with many of the chieftains, Glengarry, Glenderule, Auldbair, and Auchterhouse, with two generals, Hamilton and Gordon.\*

When the diversion was over, at the entertainment that followed, after the guests were warmed with highland hospitality, the earl addressed them in a formal speech, he began by expressing his deep sorrow for the active part he had taken in promoting the union; but now that he saw his error, he would as strenuously exert himself to free them from that "cursed" treaty by which they were delivered bound into the hands of the English, whose power to enslave them still farther was unfortunately too great, while their design to exercise it was every day more visible; particularly since the accession of the prince of Hanover to the throne, who, without regard either to their welfare or religion, had extended the government to a set of men regardless of the constitution either of church or state, provided they could secure his particular interest. They had already begun to make infringements on the liberties of both; but numbers were resolved to resist these innovations, and for the preservation of their liberty and property, were determined to place upon the throne of his ancestors the chevalier de St. George, who had the only undoubted right to the crown, who would hear their grievances and redress their wrongs. He then invited them to take arms for their sovereign, James the eighth, whose

author of Waverly has admirably modernized, and which, were it not so generally known, I should almost be tempted to copy.

\* Patten says that the number who attended Mar at Kirkmichael did not exceed sixty, but this is evidently a mistake, as by the earl's letter to "Jocke," he had from him alone received one hundred men the day before.

standard he meant to erect, and for whom he was determined to hazard his life. Thousands, he said, were engaged in covenant to establish him in his right, and depose the usurper; a general rising in England would immediately take place, and they might confidently expect powerful assistance from France, from whence their king already had had large supplies. He showed them likewise letters he had received from the chevalier, promising to come among them in person, and throw himself upon the valour and fidelity of his Scottish subjects, and in the meantime assuring them that arms, ammunition, and military stores, with skilful officers and engineers, should be sent them as soon as they could inform him at what part they should land. Nor should they want for the sinews of war; he had money for their present occasions, and he could insure them of regular supplies to defray the expense of their levies and pay their troops; so that no gentleman should be at any expense in subsisting their men, and the country would be troubled with no burden. At the conclusion, he produced the pretender's commission, appointing him lieutenant-general of all his forces, and director of the war.\* The earl's address, delivered in an animated manner, met the excited feelings of his auditors, who swore enthusiastically to support his lordship in the glorious enterprise, and endeavour to induce as many of their friends as they could to enlist under the same banner; and they separated to meet again when their circumstances should enable them to proclaim their design.

Mar did not allow them to remain long at home, but in a few days summoned them to a general meeting at Aboyne, to concert finally respecting their appearance in arms, and on the sixth of September one thousand seven hundred and fifteen, attended by a few fol-

\* It has been affirmed that Mar had not at that time received the pretender's commission, and that upon this occasion he merely manoeuvred. I am inclined to believe this was the case, and that he did not get any commission till he got what he calls his new commission at Perth in October, by Ogilvie of Boyne. Collection of Original papers, &c. 433. Rae's Hist. Authentic Letters relating to the Rebellion, 1765.

lowers on Hørseback, he planted the fatal standard of the house of Stuart at Castleton, Bræ-mar.\* At Moulin the highlanders first began to come in, and by the time they reached Logie-rait, the small band amounted to a thousand. After a short stay they pitched their head-quarters at Dunkeld, about fourteen miles from Perth, where they received an accession of two thousand clansmen, fourteen hundred Atholmen, and five hundred from Breadalbane.

It was remarked, that when the standard of the first Charles was unfurled, on the commencement of the civil war, it was prostrated by the storm; and it has been noticed, that when the ensign of his grandson was set up, the ball on the top fell off, and the unlucky omen in both cases proved truly prophetic. But the superstitious minds who were startled at these very doubtful portents, neglected the more intelligible warnings which they were receiving from the political aspect of the times and the state of the country. At this crisis Louis the fourteenth, whose ambition had ravaged Europe, and whose bigotry had desolated his own country, died in the midst of his mistresses, flatterers, and priests, not only with calmness, but even exulting in the service he had done the church, and bequeathing pious instructions to his grandsons.† His death occasioned another meeting of the rebel chiefs, where it was debated whether they should

\* The standard was blue, having on the one side the Scottish arms wrought in gold, on the other the thistle and ancient motto, *nemo me impune lacessit*, and underneath, "no union." The pendants of white ribbon were inscribed, the one "for our wronged king and oppressed country," and the other, "for our lives and liberties."

† The news of Louis' death arrived in Scotland in the latter end of August; and while the people were rejoiced at the death of their enemy, they were astonished that the enemy and persecutor of the righteous should die in peace. Colonel Blackadder in his diary, Aug. 24, expresses the general sense of the presbyterians, "People thought, and I thought myself, that he would not go off the world without some remarkable judgment; and yet he died in peace, and without any horror, as we hear, but with composure and great presence of mind. God's ways are not as ours. We measure infinite wisdom by our own foolish and limited understandings."

desist from their enterprise, and wait till the pretender arrived with his promised assistance, or proceed. The majority, unfortunately for themselves, depending upon the expected general insurrection in England, determined to go forward.

In consequence, Mar assumed the title of lieutenant-general of his majesty's forces, and on the same day (September 9th) on which he proclaimed the pretender at Kirkmichael, he published a declaration, summoning all his majesty's faithful and loving subjects, and lovers of their country, with all possible speed, in their best arms and accoutrements, to join the king's host,\* which he dispatched the same evening to the bailie of Kildrummy, with the following curious epistle, equally characteristic of the man and of the times, calculated to exhibit the beauties of the feudal system, and the zeal of at least one portion of the highlanders for the house of Stuart. "Jocke— Ye was in the right not to come with the 100 men ye sent up to-night, when I expected four times the number. It is a pretty thing when all the highlands of Scotland are now rising upon their king and country's account, as I have accounts from them since they were with me, and the gentlemen of our neighbouring lowlands expecting us down to join them, that my men should be only refractory. Is not this the thing we are now about, which they have been wishing these twenty-six years? And now when it is come, and the king and country's cause is at stake, will they for ever sit still and see all perish? I have used gentle means too long, and so I shall be forced to put other orders I have in execution. I have sent you inclosed an order for the lordship of Kildrummy, which you are immediately to intimate to my vassals; if they give ready obedience it will make some amends; and if not, ye may tell them from me, that it will not be in my power to save them, were I willing, from being treated as enemies by those who are ready soon to join me: and they may depend on it, that I will be the

\* From the trials at Liverpool of some of the rebels taken at Preston, it appears that the fiery cross had also been sent round.

first to propose and order their being so. Particularly, let my own tenants in Kildrummy know, that if they come not forth with their best arms, that I will send a party immediately to burn what they shall miss taking from them; and they may believe this not only a threat, but, by all that's sacred, I'll put it in execution, let my loss be what it will, that it may be an example to others. You are to tell the gentlemen that I'll expect them in their best accoutrements, on horseback, and no excuse to be accepted of. Go about this with all diligence, and come yourself and let me know your having done so. All this, is not only as ye shall be answerable to me, but to your king and country. Your assured friend and servant, MAR. Dated at Invercauld, Sept. 9, at night, 1715, and addressed to John Forbes of Inchrerau, bailie of Kildrummy."

A more severe disappointment than even the negligence or coldness of Inchrerau, was announced almost at the same moment in the failure of an attempt, on the 8th of September, to surprise the castle of Edinburgh. While the clans were gathering at the north, "ninety choice men," picked out for the enterprise, all gentlemen, and about one half highlanders, under the direction of lord Drummond, had engaged in it, and the scheme was seemingly so well laid, that nothing but the baleful influence of the Stuart star could have defeated it. Mr. Arthur, at one time an ensign in the castle, and afterwards in the Scottish-Guards, had succeeded in seducing a serjeant Ainslie with the promise of a lieutenant's commission, and some private sentinels by small pecuniary bribes, who undertook to admit the conspirators, by pulling up their scaling ladders made of ropes, with lines let down for the purpose, and fastening them to a large log of wood, and to anchors within the walls.

When all was arranged, and twelve o'clock at night appointed as the hour, Mr. Arthur was so certain of success, that in the fulness of his heart he imparted the scheme to his brother, a physician in the city, and also engaged in the jacobite cause. The magnitude and suddenness of the revolution about to take place, ren-



dered this gentleman so unusually thoughtful and melancholy during the day, that his lady's curiosity was awakened, and she gave him no rest till she got the secret, which she, being attached to the opposite side, immediately communicated to sir Adam Cockburn of Ormiston, the lord justice-clerk. His lordship instantly sent a messenger to lieutenant-colonel Stuart, deputy-governor of the castle, who with difficulty obtained admission, it being near eleven o'clock, and the gates shut. The governor received the information very coolly, and having doubled the guards, and ordered the officers to make diligent rounds, went to bed. The garrison, however, were upon the alert; and as a lieutenant Lindsay was going his rounds near the sally port, he discovered that the traitors had already affixed one ladder, upon which several of the assailants had mounted. He immediately unloosed the rope, and all who were upon it were precipitated to the bottom. The lord justice-clerk had also desired the provost to send out the city-guard to patrol around the castle at the appointed hour, who, arriving on the spot shortly after the ladder fell, found a captain M'Lean, formerly an officer of king James, lying on the ground, whose thigh bone had been broken by the fall; only three other prisoners were taken, Alexander Ramsay and George Boswell, writers in Edinburgh, and Lesly, a page to the duchess of Gordon. Ainslie was hanged and the governor displaced. Had this plot succeeded, three rounds of the castle were to have announced it to all friendly to the cause, and numbers who were hesitating might have favoured the captors as the most promising party. Its failure had an opposite effect.

However untoward the commencement, Mar was now too deeply engaged to recede; from Kirkmichael he proceeded to Moulin, increasing as he went along, and thence to Dunkeld, about fourteen miles from Perth, where the rebels fixed their head quarters, and about the same time issued their manifesto, which they had procured to be printed by Robert Freebairn, king's printer. This document, which is speciously drawn up, contains every argument adapted to the prejudices of the day, that could be urged in favour of the forfeited family, and against the succession of the house of

Hanover, and is one of those few papers it would be improper to abridge or omit.

“Manifesto by the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James VIII., by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. and for relieving this his ancient kingdom from the oppressions and grievances it lies under.

“His majesty’s right of blood to the crowns of these realms is undoubted, and has never been disputed or arraigned by the least circumstance or lawful authority. By the laws of God, by the ancient constitutions, and by the positive unrepealed laws of the land, we are bound to pay his majesty the duty of loyal subjects: Nothing can absolve us from this our duty of subjection and obedience. The laws of God require our allegiance to our rightful king, the laws of the land secure our religion and other interests: And his majesty, giving up himself to the support of his protestant subjects, puts the means of securing to us our concerns, religious and civil, in our own hands. Our fundamental constitution has been entirely altered, and sunk amid the various shocks of unstable faction, while in the searching out new expedients pretended for our security, it has produced nothing but daily disappointments, and has brought us and our posterity under a precarious dependence upon foreign councils and interests, and the power of foreign troops.

“The late unhappy union which was brought about by the mistaken notions of some, and the ruinous and selfish designs of others, has proved so far from lessening and healing the differences betwixt his majesty’s subjects of Scotland and England, that it has widened and increased them. And it appears by experience so inconsistent with the rights, privileges, and interests of us and our good neighbours and fellow subjects of England, that the continuance of it must inevitably ruin us and hurt them; nor can any way be found out to relieve us, and restore our ancient independent constitution, but by the restoring our rightful and natural king, who has the only undoubted right to reign over us. Neither can we

hope that the parties who chiefly contributed to bring us into bondage will at any time endeavour to work our relief; since it is known how strenuously they opposed, in two late instances the efforts that were made by all Scottish-men by themselves, and supported by the best and wisest of the English towards so desirable an end, as they will not venture openly to disown the dissolution of the crown, to be. Our substance has been wasted in the late ruinous wars, and we see an unavoidable prospect of having wars continued on us and our posterity so long as the possession of the crown is not in the right line. The hereditary rights of the subjects, though confirmed by conventions and parliaments, are now treated as of no value or force; and past services to the crown and royal family are now looked upon as grounds of suspicion.

“ A packed up assembly, who call themselves a British parliament, have, so far as in them lies, inhumanely murdered their own and our sovereign, by promising a great sum of money as the reward of so execrable a crime. They have proscribed, by unaccountable and groundless impeachments and attainders, the worthy patriots of England, for their honourable and successful endeavours to restore trade, plenty, and peace to these realms. They have broken in upon the sacred laws of both countries, by which the liberty of our persons were secured, they have empowered a foreign prince, [who, notwithstanding his expectations of the crown for fifteen years, is still unacquainted with our manners, customs, and language,] to make an absolute conquest, if not timely prevented, of the three kingdoms, by investing himself with an unlimited power, not only of raising unnecessary forces at home, but also of calling in foreign troops ready to promote his uncontrollable designs. Nor can we be ever hopeful of its being otherwise, in the way it is at present, for some generations to come. And the sad consequences of these unexampled proceedings have really been so fatal to great numbers of our kinsmen, friends, and fellow-subjects of both kingdoms, that they have been constrained to abandon their country, houses, wives, and children, or give

themselves up prisoners; and perhaps victims, to be sacrificed at the pleasure of foreigners, and a few hot-headed men of a restless faction whom they employ. Our troops abroad, notwithstanding their long and remarkable good services, have been treated since the peace with neglect and contempt, and particularly in Holland; and it's not now the officers long service, merit, and blood they have lost, but money and favour, by which they can obtain justice in their preferments: so that it's evident the safety of his majesty's person and independency of his kingdoms call loudly for immediate relief and defence.

“The consideration of these unhappy circumstances, with the due regard we have to common justice, the peace and quiet of us and our posterity, and our duty to his majesty, and his commands, are the powerful motives which have engaged us in our present undertaking, which we are firmly and heartily resolved to push to the utmost, and stand by one another to the last extremity, as the only solid and effectual means of putting an end to so dreadful a prospect, as, by our present situation we have before our eyes: And with faithful hearts, true to our only rightful king, our country and our neighbours, we earnestly beseech and expect, as his majesty commands, the assistance of all our true fellow-subjects to second this our first attempt; declaring hereby our sincere intentions, that we will promote and concur in all lawful means for settling a lasting peace to these lands, under the auspicious government of our native born rightful sovereign, the direction of our own domestic councils, and the protection of our native forces and troops. That we will in the same manner concur and endeavour to have our laws, liberties, and properties secured by the parliaments of both kingdoms; that by the wisdom of such parliaments, we will endeavour to have such laws enacted as shall give absolute security to us and future ages for the protestant religion, against all efforts of arbitrary power, popery, and all its other enemies.

“Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his majesty's judgment, as not to

hope that in due time good example and conversation with our learned divines will remove those prejudices, which we know, his education in a popish country has not rivetted in his royal discerning mind: and we are sure, as justice is a virtue in all religions and professions, so the doing of it to him will not lessen his good opinion of ours. That as the king is willing to give his royal indemnity for all that is past, so he will cheerfully concur in passing general acts of oblivion, that our fellow-subjects, who have been misled, may have a fair opportunity of living with us in the same friendly manner that we design to live with them. That we will use our endeavours for redressing the bad usage of our troops abroad, and bringing the troops at home on the same footing and establishment of pay, as those of England. That we will sincerely and heartily go into such measures as shall maintain effectually, and establish a right form and lasting union betwixt his majesty's ancient kingdom of Scotland, and our good neighbours and fellow-subjects of the kingdom of England.

“The peace of the nations being thus settled, and we freed from foreign dangers, we will use our endeavours to have the army reduced to the usual number of guards and garrisons: and will concur in such laws and methods as shall relieve us of the heavy taxes and debts now lying upon us, and at the same time will support the public credit in all its points. And we hereby faithfully promise and engage, that every officer who joins with us in our king and country's cause, shall not only enjoy the same post he now does, but shall be advanced and preferred according to his rank and station, and the number of men he brings off with him to us. And each foot soldier so joining us, shall have twenty shillings sterling, and each trooper or dragoon who brings horse and accoutrements along with him twelve pounds sterling, gratuity, besides their pay. And in general, we shall concur with all our fellow-subjects in such measures as shall make us flourish at home and be formidable abroad. Under our rightful sovereign and the peaceable harmony of our ancient fundamental constitution, undisturbed by a pretender's interest and council from abroad,

or a restless faction at home. In so honourable, so good and just a cause we do not doubt of the assistance, direction and blessing of Almighty God, who has so often succoured the royal family of Stuarts and our country from sinking under oppression."\*

At Dunkeld, they were joined by the Marquis of Tullibardine, Campbell of Glenderule, and Campbell of Glenlyon, with upwards of four thousand men, when, hearing that the Earl of Rothes and the loyal gentlemen of Fife were advancing to take possession of the important city of Perth, they now resolved to anticipate him, and dispatched Mr. John Hay, brother of the Earl of Kinross, who entered that place on the 18th September with two hundred horse; in a few days they were supported by two thousand men under General Hamilton; and on the 28th the Earl himself advanced with three thousand more, the Marquis of Huntly, the Earl of Seaforth, and the Earl Marishall quickly joined them; so that in a short time the rebel army amounted to at least twelve thousand men.

The possession of Perth, beside the eclat it gave to the rebel chief, was of immense importance, it cut off all communication between the loyalists of the north and those of the south, and gave him the command of some of the fertilest districts in the country. On the same day the Earl entered Perth, Mr. James Murray, second son to the Viscount Stormont arrived at Edinburgh from France with dispatches from the pretender, which, on his arrival in the rebel camp gave additional cause for rejoicing. He brought the usual promises of speedy and powerful assistance from France, and of the pretender's resolution to come to them in person; but the former was stopped by the Duke of Orleans, now regent, and the chevalier came too late to be of any service, had he even been qualified for such an exigence. Mr. Murray, besides, brought a patent creating the Earl of Mar a Duke, and he produced a commission appointing himself secretary of state for Scotland.

About the same time the Earl of Sutherland, who was

\* Patten, p. 41, *et seq.*

hastening to his own shire, to raise the most northern clans for the king, touched at Leith on his passage, and ordered some arms and ammunition from Edinburgh castle to be sent after him. These stores were accordingly put on board a ship at the port, but the wind proving contrary, according to the navigation of the times, the master of the vessel cast anchor off Burntisland, and went ashore to see his wife and family. Mar soon heard of the circumstance, and immediately dispatched from Perth four hundred horsemen, with as many foot soldiers mounted behind them, who arrived at Burntisland about midnight, and pressing all the boats in the harbour, boarded the vessel, and seized three hundred and six complete stand of arms. In another ship they found about twenty or thirty, and in the town one hundred, all which they carried off and returned to Perth without interruption.

The rebels were now at the summit of their fortune; all the eastern coast of Scotland from Burntisland to the Murray Firth was in their possession, and on the west the whole Hebrides were in their interest, and the whole of the continent, part of Argyleshire alone excepted. But the counties of Caithness, Strathnaver, and Sutherland, remained loyal. Nor did they neglect to improve the advantage which the possession of so large a tract of country gave them in levying money and raising recruits.

Mar now began to prepare for marching southward, but his movements were retarded by two circumstances, the Earl of Sutherland was in his rear, ready to take advantage of his absence, and recover for the king those districts where loyalty had only been overawed by the presence of the army; and he had received no distinct accounts of the motions of his friends either in England or on the borders.

To meet so formidable an insurrection, the preparations of government would have been totally inadequate, had they not been seconded by the general and hearty concurrence of the people. In the latter end of August a camp was formed in the park of Stirling, to secure that important pass; but all the forces which major general Wightman could muster did not much exceed fifteen hundred men. On the 14th September, Argyle, appointed commander-in-chief, arrived in Edinburgh, and after ordering about



thirty cart load of arms and ammunition to be carried to Stirling and Glasgow, proceeded to the camp to review the army, if what would not complete two modern regiments, may be so called. Previous to his leaving the capital, his grace, aware of the weakness of the royal force, wrote a pressing letter to the magistrates of Glasgow, "praying that they would forthwith send five or six hundred men to Stirling, with such officers as they might think fit to entrust them to. This," he adds, "will be of infinite service to his majesty and your country, and will not fail of being acknowledged as such. I must further inform you, that by all the accounts I receive from different parts of the kingdom, the highlanders are actually gathering together; so that it will be very highly for his majesty's service, that all the well affected men that are armed about your country should hold themselves in readiness to march, and even begin to assemble. I should think your town would be the properest place for them to join, but I must submit to the gentlemen of the country who are better judges."

Zealous in the cause, the city instantly obeyed the summons, and by the 20th of September, between six and seven hundred men, in three battalions, had, under the command of the lord provost, John Archibald, reached Stirling, where they were immediately committed to the care of colonel Blackadder, governor of the castle, for the purpose of being properly drilled.\* Upon the arrival of the first battalion, the duke wrote a second pressing letter, desiring the magistrates, with the greatest dispatch, to inform all his majesty's friends in the west country, that he thought it would be absolutely necessary for his majesty's service, that all the fencible men should draw together at Glasgow, and be ready to march as soon as he should acquaint them his majesty's service required it. This request was instantly complied with, and expresses dispatched every where to the friends of government in the west, informing them of his grace's directions to the urgency of the case. The call was immediately answered, and in a few days great numbers of well armed and accoutred fencibles had arrived at

\* Life of Blackadder, p. 462. Rae's Hist. p. 224, *et seq.*



Glasgow from all quarters. Kilmarnock came in first.\* One of those alarms so common in the seat of war of the advance of the enemy reached that town on the night of the 16th, and by sun rise on the 19th of September, two hundred and twenty men had marched, armed and accoutred, who reached Glasgow that same evening. Next day the Earl followed with one hundred and thirty, who immediately entered upon duty, which they performed till the 1st of October, when orders were received from the commander-in-chief, for all the volunteers to march towards the Highlands and garrison the houses of Drumkill, Gartartan, and Cardross, in order to protect the country from Rob Roy and the thievish clan of the Macgregors, who, taking advantage of the turbulence of the times, were exercising their vocation in that quarter.† The house of Gartartan lying farthest in the highlands, was assigned to Kilmarnock, Drumkill to the Ayr, and Cardross to the Kilwinning and Stevenston volunteers.

For greater security, the three garrisons marched out together escorted by the earl of Kilmarnock, the master of Ross, with several gentlemen, amounting to about fifty or sixty horse. On the first night they arrived

\* Upon the first rumours of rebellion, Kyle and Cunningham stood forward, on which occasion Rae says,—“ ’Tis not to be forgot, that the earl of Kilmarnock appeared here at the head of about five hundred of his own men, well appointed and expert in the exercise of their arms, who made the handsomest appearance of any that were there; and that which added very much unto it was the early blossoms of the royal principle and education of my lord Boyd; who though but eleven years of age, appeared in arms with the earl his father, and gracefully behaved himself, to the admiration of all the beholders.” *Hist. of the Rebellion*, 203. Thirty years after, this same blossom suffered on Tower Hill for the cause which his interesting boyhood had been brought forward to oppose.

† Argyle had Rob under his especial protection, in consequence of his enmity at the family of Montrose, whose lands he constantly plundered—the feud between the families not yet being extinguished. It is said the latter once reproached Argyle in the House of Peers with protecting the robber Rob Roy, which accusation Argyle adroitly parried, by jocularly answering, that if he protected the robber, Montrose supported him.—*Stewart's Sketches*, App. 24.

at Drynmen, about eighteen miles from Glasgow, where they found very bad entertainment, the place being very malignant and disaffected—while the Macgregors in the vicinity, about six hundred strong, obliged them to place strong guards, and lie upon their arms during the night. Next day, the party destined for Gartartan, accompanied by the earl of Kilmarnock and twelve horse, took possession of their garrison. Gartartan, situated within the shire of Perth, about a quarter of a mile from the river Forth, protected the only pass by which the rebels could penetrate into the west or south, the fords being guarded by the regular troops; but the house was slight, and the neighbourhood of the Macgregors rendered it neither pleasant nor safe; being surrounded by the disaffected, their situation was as costly as it was dangerous; the demi-savages, who scarcely knew how to charge a stranger in peaceable times sufficiently high for the necessities he required,\* exacted from those they esteemed their enemies double rates for all the provisions they brought. Here they remained till relieved by a party of the Stirlingshire militia. The town of Greenock, animated by a spirited address from lady Greenock, furnished eighty-four men, and the villages around increased the number to one hundred and thirty-two, besides those who remained at home to guard the passage and prevent the rebels, especially the dreaded Rob Roy, from crossing the river and plundering the country.

At the same time that the west was displaying this gallant spirit, the loyalists of the south were not behind, Argyle had written from Edinburgh to the magistrates of Dumfries, and Ferguson of Craigdarroch, in absence of the lord lieutenant, urging them to repair to the camp at Stirling with whatever number of well armed men they could possibly muster. It being in the midst of harvest, and the harvest that year very late, the countrymen could not leave their homes, a fortunate circumstance, as it afterwards turned out; yet Craigdarroch procured about sixty men.

\* Letters from the North, &c.

well armed and accoutred, with whom he set off for Stirling, accompanied by several gentlemen of the county, and two ministers: but he was quickly ordered home, as affairs began to look lowering in the south; his men, however, remained and did duty in Stirling castle along with the regular troops. The magistrates of Dumfries proposed also to send a hundred men to Stirling, but ere they were ready, the situation of the country rendered it impossible for them to leave it. The duke of Douglas too had three hundred men, but the scarcity of provisions at Stirling obliged the commander-in-chief to stop their march till the hour of actual danger. His grace, however, the duke, attended by Douglas of Cavers, sir James Carmichael, and sir James Lockhart of Falside, the laird of Lamington, and several other gentlemen, proceeded to the camp. The lord Polwarth, with the characteristic zeal of his family, raised 400 Berwickshire militia and marched for the camp, but for the same reason, was desired to stop at Linlithgow till further orders.

Nor were the friends of government less active in suppressing the treasonable attempts of the rebels throughout the country: at the town of Kinross, when a party, trusting to their superiority in that district, were proceeding to proclaim the pretender, the earl of Rothes made a dash among them with a squad of the Scots Greys, and quickly dispersed them; and seizing sir Thomas Bruce, carried him prisoner to Stirling. The earl of Ilay, in his judicial capacity in Edinburgh, was equally vigilant in seizing the suspected; and not long before had had the good fortune to baffle an attempt made by about two hundred armed jacobites, to seize the town-guard and put the city in confusion, by arresting Burnet of Carlops and some others of the ringleaders at the place of rendezvous, but a few hours before the plot was to be put in execution. Afterwards he was sent to Argyle to assemble the vassals of his brother the duke, to prevent the rising of the rebels in the west highlands, and secure the town of Inverary.

To encourage the nobility and gentry, and legally to empower them to raise men, and take quarters, the com-

manner-in-chief published the following order. "John duke of Argyle, general and commander-in-chief of his majesty's forces in North Britain, to the lords lieutenants; deputy-lieutenants, and in their absence to the well affected heritors of the western and southern shires in Scotland; and in particular to the justices of peace, magistrates of burghs, and other judges and officers civil and military: whereas great numbers of well affected noblemen, gentlemen, and others in the southern and western shires of Scotland, being in readiness to march to such places as they shall be appointed, may be desirous to have a particular order for that effect: these are, therefore, in his majesty's name and by his authority, requiring, ordering, and authorizing the lords lieutenants, lieutenant deputies, or in their absence all well affected heritors, and each of them in the western and southern shires aforesaid, to march forth with their fencible men, with their best arms, and what ammunition they have, and with forty days provisions, towards Glasgow, to quarter there, or in the adjacent towns and villages on the north side of the river Clyde, in order to be ready to assist in the opposing and extinguishing the rebellion now raised against our laws, our liberties, and the protestant religion. Given at our camp at Stirling, 2d October 1715. ARGYLE."

His grace, at the same time, made a representation to government of the wretched state of the army, and solicited supplies, but the ministry, alarmed at the rising in England, were afraid to part with any of their forces, they, however, ordered a regiment of dragoons and two regiments of foot to be drafted from Ireland, which fortunately joined the duke before any engagement took place.

About this time, the rebels formed a project which, had it been properly executed, would have placed the king's army in a very critical situation, but their discordant sentiments and want of intelligence and co-operation, lost them the best opportunity they ever had for obtaining the mastery of the kingdom of Scotland. The jacobites in the Lothians were prepared to rise, but a mu-

mutual jealousy appears to have existed among their leaders, which prevented their communicating cordially with each other. Lockhart, who was their chief adviser, appears always to have been viewed with suspicion by captain Straton, who acted as Mar's confidential agent, but never frankly gave any information to the laird of Carnwarth. He in his intercourse with the other jacobite gentlemen had advised that there should be no movement except in one of two cases, either when the king (the pretender) should arrive among them, or when Mar should have crossed the Forth with his army. Straton in vain endeavoured to persuade him to set an example, but he wisely kept on the reserve, and said that though he would endeavour as much as in him lay to assist those who chose to take arms, he did not think it politic himself unless in one of the alternatives he had mentioned.

Such was the state of matters in the Lothians when Mar formed the design alluded to, of transporting a body of troops across the frith in face of the English men-of-war, to endeavour to rouse the jacobites in Edinburgh and the neighbouring shires, while he sent a commission to lord Kenmure to raise those of the southern counties, and with these troops combined to fall upon the rear of Argyle, while he attacked him in front.\* The clan Mackintosh, who had always adhered to the revolution settlement, were, in an evil hour, persuaded by brigadier Mackintosh of Borlam, to change sides and embrace the cause of the pretender. On the 5th of October, the chief, with five hundred of his men, well armed, arrived at Perth, and as the brigadier was an old experienced officer, who had served with much reputation abroad, and his regiment the best in the army, he was pitched upon to carry the earl's design into execution; the regiments selected to support him were those of Mar, Strathmore, Nairne, Drummond, and lord Charles Murray, forming a party of about two thousand five hundred men;

\* Lockhart's Papers, vol. i. p. 490. Mar's Letter. Patten's Hist. of the Rebellion, p. 76, *et seq.*

they were escorted to the sea coast by a body of cavalry, under sir John Erskine of Ava, the master of Sinclair, and sir James Sharp, grandson to the archbishop.

Argyle, having been apprized of the rebels' intention, ordered all the boats that might be useful to the rebels to be brought to Leith, and dispatched three frigates and three customhouse cutters to the coast of Fife to burn or bring away all the small craft they could find; but a number had been hauled ashore and were beyond their reach, which the rebel party immediately put in requisition. The ships of war, on learning the march of the party, weighed anchor, and stood over to intercept them on their passage; but by marching and counter-marching, Borlase contrived to amuse them till night came on.

As a feint, Mar ordered another party to embark openly, at Burntisland, which attracted the notice of the king's vessels, who manned their boats to attack them, and stood in shore to cover their operations and cannonade the town; but the party relanded, erected a battery, and returned the fire. While the whole naval force in the Firth was engaged at this point, the brigadier with his little army embarked during the night at Pettenweem, Crail, and Ely, nearer the mouth of the Firth. The squadron then, when too late, perceived the stratagem, and made sail to intercept them, but the wind being contrary, they only succeeded in capturing one boat, with forty men, who were made prisoners, and sent to Leith. Others, however, were chased back to the coast of Fife, among whom were lord Strathmore, and lieutenant-colonel Walkingshaw of Barrowfield; and a considerable number were forced to take shelter in the Isle of May, where they remained till next night, and then returned to Crail.

Out of the whole, about sixteen hundred landed on the south side, at Aberlady, North Berwick, and Gillen, who rendezvoused at Haddington. Having rested one night in expectation of being joined by their companions; when they found they did not arrive, they next day commenced their march for the capital, in expectation of being joined

by the jacobites as they went along, and being enabled to enter it in triumph; but their friends had not been prepared for their arrival, and they remained quiet; and the magistrates of Edinburgh, who had raised up temporary works, called out the associated volunteers, the city guard, and trainbands, upon hearing of their landing, preserved the tranquillity of the town, and prevented any appearance in favour of the rebels. About the same time that Borlase began his march, the lord provost sent off an express to the duke of Argyle, intreating him to send a detachment of the regular troops to the assistance of the loyal citizens. His grace instantly mounted two hundred infantry on country horses, who accompanied by three hundred picked dragoons, set off that day at noon, and about ten o'clock at night arrived at the West Port, when the brigadier was almost within sight of the east. Soon after, Argyle himself entered the city to the unspeakable joy of the loyal part of the population, where he was joined by the horse militia of Lothian, and the merse, and a considerable number of volunteers, both horse and foot, who, with the marquis of Tweeddale and lord Belhaven, had entered into Edinburgh on the approach of the rebels. The force in the city was now so considerable, that any attempt upon it by Borlase's petty corps would have been hopeless. He, therefore, when he had advanced as far as Jock's Lodge—within a mile of Holyroodhouse—in high spirits, and full of expectation, learning how matters stood, and perceiving that not one individual joined him,\* turned mournfully towards Leith, which they entered without resistance, and easily overpowering the guard at the Tolbooth, set at liberty their men who had been taken in the boat. They next plundered the custom-house, which luckily for them contained a quantity of provisions and brandy.

\* Lockhart and a number of the gentry who would have supported him, were unapprized of his expedition; and the moment the authorities at Edinburgh heard of Mackintosh's landing, they sent a party of militia horse, who apprehended Lockhart, and lodged him in the castle, by which means the others were overawed and remained quiet.—Lockhart's papers, vol. i. p. 495. Oldmixon says, " 'tis thought he was well enough pleased with being shut up." Hist. p. 608.

Expecting that the inhabitants would still make some demonstration in their favour, they proceeded to fortify the old citadel, resolving to maintain themselves in it,\* till they should see the result, or receive further orders. From the vessels in the harbour they procured cannon and ammunition; the cannon they planted on the ramparts and at the ports, and barricaded the most accessible places with beams of wood, carts filled with earth and stones, and such materials as they could readily procure. Early on the morning of the 15th, the duke of Argyle, with eleven hundred regular troops and militia, besides the volunteers, marched to attack the citadel; after reconnoitering the place, he sent in a trumpet, and summoned the rebels to surrender, accompanied with a threat, that if one of his men were killed in the assault, he would afterwards give them no quarter. The laird of Kinackin undauntedly replied, "As to surrendering, they laughed at it, his assaults they were ready for, quarter they would neither ask nor give, and if he thought he was able to force them, he might try his hand!"

Having no battering train, and the rebels being so strongly secured, his grace perceived that any attack upon the citadel, which he well knew would have been defended with the desperation of despair, could only issue in an unnecessary waste of men, whom, in his present circumstances, he could very ill spare, retired in the evening to Edinburgh.† The rebels seeing their hopes, with regard to their Lothian friends, entirely disappointed, and dread-

\* The citadel was a square fort, with four demi-bastions, built by Oliver Cromwell, (vide Vol. IV.) with a wide and deep dry ditch around it; though sold, it had never been entirely demolished, the gates only had been taken away, but the ramparts remained untouched, as high and as firm as ever, within which a number of the citizens of Edinburgh had built houses for a summer retreat, or for the convenience of bathing.—Maitland's Hist. of Edinburgh.

† Of the volunteers Rae relates, with great *naveté*—"It must be truly owned that some of the volunteers were very forward for an attack; but when they were told that the post of honour, viz. to attack first, was their just right as volunteers, it made them heartily approve of the duke's measures in deserting the enterprise." Hist. p. 263.



ing that they might be regularly besieged, likewise withdrew during the night; after dispatching a boat to Mar, detailing their progress, and desiring instructions.\*

About nine o'clock, at ebbtide, they silently marched off, by the head of the pier across the sands, eastward, and took possession of Seaton-house, a strong old castle about seven miles from Edinburgh, belonging to the earl of Winton. They left in the citadel forty of their companions—the same number they had released—who had made rather free with the customhouse brandy, and in their march had some few stragglers who were unable to keep up with the main body, and were taken by a detachment under colonel Debourgay. A night march sometimes produces mistakes even with the best disciplined troops; but among the half trained highlanders, it was productive of no little confusion. When they approached Musselburgh, a band of the townsmen mounted, fired a few shots upon their front, which, although they took no effect, occasioned great disorder, and made the mountaineers, from that time, treat all men on horseback as enemies, a conduct which was attended with fatal consequences to one of their best friends; Mr. Malloch of Mutree-Shields, who was advancing to join them, was challenged by a highlander in Gaelic, and being unable to reply in the same language, was shot dead on the spot; the brigadier, however, took his gold, sixty guineas, and left him lying on the road, about a mile beyond Musselburgh. The main body, on another occasion, supposing the advance an enemy, fired upon them, and killed a sergeant and a private before the mistake was discovered. At two o'clock in the morning they arrived at Seaton-house, where they were joined by some of their friends, who, having crossed the frith farther east, had not landed so

\* As soon as the boat went off they discharged one of their cannon after her to make the men-of-war imagine her an enemy to the rebels. Nor did that stratagem fail, but fully answered the design; the boat escaped unpursued, and returned to them again, with letters from the earl of Mar and new orders, about three hours before they left Seaton-house.—Patten, pp. 14—15. Rae's Hist. 161.

soon, nor been able to come up with them on their march to Leith.

Argyle no sooner learned that the rebels had taken possession of Seaton-house, than he prepared to dislodge them: he sent off an express to Stirling for four gunners and two bombardiers, and ordered two pieces of cannon and two mortars from Edinburgh castle. But Mar, by a manœuvre, interrupted his preparations, and forced him to leave the garrison, at Seaton-house, to their own discretion. He made a demonstration as if he meant to pass the Forth either at Stirling or at the bridge of Doon, and put his army in motion for this purpose. During the night three successive expresses from general Whetham announced the alarming intelligence to Argyle, that the rebels, ten thousand strong, were in full march for Stirling, and that their advance, consisting of four thousand men, were expected that night at Dumblane. Leaving, therefore, one hundred dragoons, and one hundred and fifty foot, under the command of general Wightman and colonel Ker, together with the militia and gentlemen volunteers to protect the city of Edinburgh, and watch the house of Seaton, he posted for Stirling with two hundred dragoons, and fifty foot, where he arrived on the seventeenth about eight o'clock at night: but Mar, when he learned his arrival, having obtained one object, did not think proper to attempt the more important and decisive step of crossing the river. Although nearly double the number of Argyle, he waited the arrival of several of the clans who were upon their march, but who, from the want of information, had been wandering among the hills in uncertainty.\*

\* At this period Mar seems to have had high expectations. It is evident from his letters that he expected the forces from England to join Kenmure and the Brigadier in Scotland, and thus place Argyle between two fires, which, had it been done quickly, and he possessed the smallest degree of energy, there is not the least doubt but Scotland, for the time, would have been overrun. Writing to general Gordon (October 8th) he says, "I have ordered two thousand men to cross the water from Bruntisland to Leith,"—"Our friends in the south are to be

Relieved from the dread of Argyle, the highlanders at Seaton-house began to fortify the place on purpose to establish a magazine, and secure themselves till an army should collect from the country round, and from the borders.\* A detachment of dragoons and volunteers marched that same evening to keep them on the alert; but they had no sooner appeared at Preston Pans, than a party of the highlanders marched out of the Castle, and formed, when the others turned to the right-about and retired; nor did the rebels think it expedient to pursue. On Monday lord Torphichen, with two hundred dragoons, and the earl of Rothes, with three hundred gentlemen volunteers, marched against them; but satisfied with a reconnoitre, and the exchange of a few shots, they also returned without bloodshed.

While the highlanders remained here their foraging parties were wonderfully successful; naturally expert at "lifting," they brought in droves of black cattle and sheep, with great abundance of oat-meal and other provisions.

together, both of Scots and English, on Monday next, to a goodly number; and if it please God to give this detachment a safe passage, we shall have our enemies in a horse-net."—Orig. Letters. But the march of the English to Newcastle, and of lord Kenmure afterwards to Preston, entirely disconcerted the well laid plan.—ib.—Afterwards, when he heard of Borlam's failure at Edinburgh, and could get no intelligence from his friends,—so much so that he begged a newspaper to be transmitted him, that he might learn something of their motions,—he seems to have begun to sink. His letter to Forrester (October 21st) breathes a spirit of despondency throughout. "I have now wrote to lord Kenmure, but it is ten to one if it comes to his hands. I know not what he is doing, where he is, or what way he intends to dispose of his people; whether he is to march into England, or towards Stirling to wait my passing Forth; and in the ignorance I am in of your affairs, besouth the river, I scarce know what to advise him. If you be in need of his assistance in England, I doubt not but you have called him there; but if not, certainly his being in the rear of the enemy when I pass Forth, or now that the duke of Argyle is reinforced, should he march towards me before I am, would be of great service.—Patten, p. 80, 81.

I am apt to suppose that Mar had been deceived with regard to the numbers of the royal army, from his total want of information.

\* Patten, p. 19.

But no earthly happiness is of long duration, and from this terrestrial paradise, as it must have been, to the savages, they were obliged to remove. An order from the earl of Mar for their marching towards England, and an express from Mr. Forster, general of the English, inviting them to meet him at Kelso or Coldstream, together with two messengers from lord Kenmure, forced them unwillingly to leave the land of Goshen and march for the borders.

These various insurrectional movements, although connected, proceeded upon no regular well arranged plan, the week before Mackintosh crossed the firth, Lord Kenmure, who had got a commission from Mar to command in the south, had a meeting in Edinburgh with Lockhart of Carnwath and the other jacobite gentlemen in that quarter, when the rendezvouses for the different districts were settled, and the plan of procedure announced; those near Edinburgh were to meet at Biggar, those of the south counties at Moffat, whence they were to march to Dumfries to procure money, arms, and ammunition, and then to proceed to Glasgow to meet the disaffected clans, and act as circumstances should direct.\* Having retired to their different stations, the lord justice-clerk, who had received information of their proceedings, instantly dispatched an express to Dumfries with a letter for Mr Robert Corbet the provost, of the following purport: *Edinburgh, Oct. 8, 1715.* SIR,—Having good information that there is a design of rising in rebellion in the southern parts against his majesty and the government, I send the express to advise you thereof, that you may be upon your guard; for by what I can rely upon, their first attempt is to be suddenly upon your town. I heartily wish you may escape their intended visit. I am, &c. AD. COCKBURN. The gathering of the jacobites in small bodies, and the assembling of large parties at the houses of the gentry, had already created suspicion, which this letter fully confirmed.

On its being communicated to the magistrates, as there

\* Lockhart's Papers, vol. i. p. 493.

was a rendezvous that day of the fencible men of the Stewartry of Kirkcudbright at the Leaths-Moor, it was instantly resolved that a deputation should proceed to the place, and request the gentlemen to repair to the town that night with a competent number of armed men, but when they arrived at the spot they only found the deputy-lieutenants, and some of the officers, for the greater part of the men had been dismissed. So soon, however, as the nature of the justice-clerk's dispatch was known, expresses were sent to every quarter to summon the whole fencibles of the district to attend at Dumfries next day; in the meanwhile the deputy and about fifty other gentlemen accompanied the magistrates on their return to the town that night.

By a fortunate coincidence on the same day, there happened to be a meeting of the provincial synod, and the ministers of the neighbourhood, as soon as it broke up, went each to his respective parish, and returned in the morning with their fencible parishioners armed; expresses were likewise sent to the loyal gentlemen in the adjacent country, and the town was filled next day with volunteers from the several parishes of Nithsdale and Galloway. Animated by the same spirit, the men flocked in from all parts of the south and west, from Kirkcudbright and Sanquar, and where the distance was great, the foot pressed the country horses into the service, to accelerate their progress. This rapid assemblage rendered abortive a scheme of the rebels, who, in order to prevent the assembling of the Dumfriesshire fencibles on the twelfth, the day on which they expected to be masters of the town, sent round their emissaries with forged orders to the men, saying, that the meeting was not to be till the thirteenth, by which time they expected their meeting would be of little avail.

On the evening before the intended attack, (Thursday, the eleventh,) lord Kenmure and the earl of Carnwath, who were at a gentleman's house in the vicinity waiting the arrival of their men, having heard of some arms which sir William Johnston of Westerhall had lodged in Brado-Chapel, about half a mile from Lochmaben, for the use of his own militia, early next morning broke into the cha-

pel and carried them off. Having thus obtained arms, and being joined by several of their friends in that quarter, they proceeded to Moffat, the appointed rendezvous, to meet the earl of Winton and the Lothian rebels.

But notwithstanding the vigorous preparations going forward, and the commotion throughout the whole country, the rebels at Moffat remained in profound ignorance of their extent, and still hoped to take Dumfries by surprise; on the forenoon of the twelfth, they left Moffat and took the road for Dumfries, and about two o'clock were within a mile and a half of the town, when they were met by the disagreeable intelligence that the place was full of armed men ready and eager to give them a warm reception. Calling a halt upon this information, they held a consultation whether to proceed or retire; but as they only mustered one hundred and fifty-three horsemen, they deemed it more expedient to wait till their numbers should be increased, and struck off to Lochmaben, carrying with them Mr. Patterson, one of the bailies, Mr. Hunter, "chirurgion," and Mr. Johnston, postmaster, who had been sent out to reconnoitre, but unluckily stumbled in among the enemy. They were however well treated, and released upon some suspected jacobites, whom the magistrates of Dumfries had imprisoned, being set at liberty.\*

As soon as the rebels had appeared upon the heights, all the avenues to the town were barricaded, and intrenchments thrown up, the guards reinforced, and every measure adopted for the most strenuous resistance; when they understood that the rebels hesitated, the fencibles

\* When the rebels were coming down upon Lochmaben, the townsfolk put their cattle into a fold to make room for their horses, but in the night the beasts began to turn rebellious themselves, broke down the fold, and ran wild through the town. A little before day-break, one of them by some accident had got into a poor man's "kail yard," and seemed determined to make his quarters good, when the owner found himself under the necessity of bringing his dog to his assistance. Calling loudly Help! Help! [the dog's name] the sentry supposing it was a party from Dumfries instantly gave the alarm, and the whole rebel army turned out in battle array against the man, the dog, and the cow, to the great amusement of the natives.—Rae's Hist. p. 254.

were eager for an encounter, and were enraged because neither allowed to pursue them in their retreat, nor attempt surprising them in their quarters.

Next morning Lovat, who was then on his way to the north,\* offered to lead them; but the marquis of Annandale, with more prudence, restrained them from a rash attack upon brave and resolute men in desperate circumstances, which, from their inexperience and want of officers, might have been attended with the most disastrous consequences both to themselves and to the cause.

From Lochmaben the rebels marched on the Friday to Ecclesfechan, where they were joined by sir Patrick Maxwell of Springkell with a small party of horse. On Saturday they marched to Langholm, their numbers increased to about one hundred and eighty, whence they proceeded to Hawick on Sabbath the sixteenth, where they proclaimed the pretender. On the seventeenth they marched from Hawick to Jedburgh, and there also proclaimed their king, and had intended to proceed to Kelso; but hearing that it was put in a state of defence, they altered their route, and entered England to meet the Northumberland insurgents, of whose proceedings it is now necessary to give a sketch.

I have not been able to trace in all the proceedings of

\* Simon Fraser lord Lovat, who had now obtained his pardon, arrived at Dumfries in the midst of the bustle, on his way to the north to raise his clan. Being unknown, he was arrested; nor did he obtain his liberty till the marquis of Annandale, the lord-lieutenant, was assured of his loyalty. The marquis, who had been pursued up the Tweed by the earl of Winton's troops, when coming to examine Lovat required an escort from his own house of Lockwood to Dumfries. Intimation was accordingly given for all townsmen and strangers who were provided with horses to appear in the street armed, at the beat of drum. Accordingly, about one o'clock in the morning, the alarm was beat, and a considerable body drew up in the streets, which were illuminated, who proceeded to his lordship's mansion, and brought him safely to the town. From the 13th of October till the 20th, all the windows of the houses that looked to the street were regularly illuminated the whole night as at any public rejoicing.—Rae, p. 251.

the Scottish or English rebels the least appearance of any well-digested pre-concerted conspiracy. Patten says that the design originated in London, whence a correspondence was settled with all the disaffected throughout Britain; but if it was so, they had kept the correspondence a profound secret, from the various sections of the rebels, who acted as so many distinct bodies, without communication either with each other or with the capital. The insurrection in Northumberland evidently was urged on by the rigour of government, and it remains a doubt with me whether, if lenient measures had been adopted, there would ever have been any rebellion at all. That jacobite emissaries went through the country, admits of no doubt,\* but their occupation was to carry false intelligence and exaggerated reports, and these, with the noisy blustering of the high tories, led many to imagine there was a grand design arranged for a general rising; nor was it till the unfortunate trial was made that they found their mistake.† The immediate cause of an appeal to arms was the issuing of warrants from the secretary of state's office in the latter end of September, the earl of Derwentwater, lord Wid-

\* The chief of these emissaries were colonel Oxburgh, Mr. Nicholas Wogan, Charles Wogan, and a Mr. Talbot, Irish, and papists; Mr. Clifton, brother to sir Gowan Clifton, and Mr. Beaumont, brother to sir Gowan Beaumont, high church men; and Mr. Buxton, clergymen. It is more than probable that these people assumed to themselves a character and delegation which they did not possess.

† "Indeed that [the high church] party, who are never right hearty for the cause till they are mellow, as they call it, over a bottle or two, now began to show us their blind side, and that it is their just character that they do not care for venturing their carcasses any farther than the town. There indeed, with their high church and Ormond, they would make men believe, who do not know them, that they would encounter the greatest opposition in the world; but after having consulted their pillows, and the fumes a little evaporated, it is to be observed of them that they generally become mighty tame, and are apt to look before they leap; and with the snail, if you touch their houses, they hide their heads, shrink back, and pull in their horns. I have heard Mr. Forster say he was blustered into this business by such people as these."—Patten, pp. 93-4.



Widdrington, Mr. Forster, and some of the leading jacobites. Hearing that messengers were at Durham to apprehend them, a full meeting of the party assembled, when the dread of being carried to London and imprisoned, and the uncertainty of what might be the consequences of separate examinations, led them to the fatal determination of appearing for their king—so they styled the chevalier—as the only method for securing themselves.

Pursuant to this resolution, on the 6th of October they met at a place called Green-rig, in Northumberland. Mr. Thomas Forster, who had been member of parliament for the county, came first with about twenty followers, but immediately removed to the top of a hill called the Waterfalls, from whence they could better discover any that came either to join or oppose them. They had not remained long in this situation, when they descried the earl of Derwentwater, with his friends and servants, well mounted and armed, who, collecting by the way, brought several other gentlemen along with him; yet when the whole were mustered, they did not amount to more than sixty, the greater part however gentlemen. Mr. Forster, although totally unacquainted with military affairs, being the only protestant chief among them, was named general, under whose direction they marched to Plainfield, on the river Coquett, and thence to Rothbury, a small market town. On Friday the 7th, with increasing numbers, they entered Warkworth, celebrated in legendary lore; and next day lord Widdrington joined them with thirty horse.

On Sabbath, Forster sent Mr. Buxton to Mr. Ion, the parson of the parish, with orders to pray for the pretender as king, and for Mary as queen-mother, and to omit the names of king George and the prince and princess of Wales, which Mr. Ion declining, Buxton took possession of the pulpit, read prayers, and preached a sermon that gave mighty encouragement to his hearers, he being a man of a handsome appearance and insinuating eloquence. Here they first solemnly proclaimed the pretender by sound of trumpet; but it must have been rather discouraging to his followers, that the general himself, when perform-

ing the ceremony, did so in disguise. On Monday the tenth, they marched for Morpeth, increasing as they proceeded. At Felton Bridge, they were joined by seventy horse, partly Scottish, from the borders, and on entering the town, they were three hundred strong, all mounted; the numerous offers of infantry service they were unable to accept for want of arms, but they expected soon to receive a supply from France, and from the surprisal of Newcastle. To facilitate the first, Mr. Lancelot Errington, a ship-master belonging to Newcastle, with a few companions, at the desire of Forster, seized the small fort upon Holy Island, but being unsupported, next day a party from the garrison of Berwick recovered the place, and carried away the captors prisoners. The other was not more fortunate. Mr. Iqn had carried to Newcastle accounts of the rising, and the public authorities soon put the town in a posture to bid defiance to any attack from without, and secured all suspicious characters to preserve it from any danger from within.

Forster, disappointed in this main object, after advancing to a heath adjoining Dilston, the seat of lord Derwentwater, returned to Hexam, where, upon a report that general Carpenter was advancing to attack him, by a forced march he hurried his troops that same night (the nineteenth) to Rothbury, where they effected a junction with lord Kenmure; and the whole marched for Wooler. Here they rested all Friday, and were joined by the Rev. Robert Patten, who acted as their chaplain, and was afterwards their historian; and here too they received accounts of the advance of the highlanders from Seaton-House. Decamping from Wooler, they took the route for Kelso, and crossing the river Tweed, at that time swollen deep and rapid, they entered the town about one o'clock, [Saturday 21st] where they were presently cheered by the old brigadier's stately stepping in at the head of his troops to the sound of the bag-pipe.

These last, early on the morning of the seventeenth, left their garrison, and arrived that night at Longformachus, about seventeen miles distant; in passing Hermiston-House,

the seat of a Doctor Sinclair, M'Intosh proposed to burn it, in revenge for his having killed the son of Hepburn of Keith, an amiable, lovely, and promising youth, while attempting to make his escape from a party the Doctor had brought to search his father's house for arms, and arrest the inmates; his officers, however, dissuaded him from fire-raising, which might have been attended with mischievous consequences to themselves, and he was content with ordering his highlanders to plunder it of every thing valuable, a service they performed with wonderful alacrity.

As soon as major-general Wightman received notice of their departure from Seaton, he set out with a detachment of eighty dragoons, fifty militia, and some volunteers, to hang upon their rear and harass them on their march, but he returned in the evening to Edinburgh without having done any thing except picking up a few stragglers. A number, however, deserted, who were detained prisoners till the rebellion was put down. Dunse was the next halting-place of the highlanders, there they proclaimed the pretender, collected all the public money, and next day bent their steps towards Kelso, which was abandoned at their approach. Kenmare, who was already there, when apprized of their advance, marched out with the Scottish horse as far as Ednam Bridge, to compliment them and escort them to the town, which they reached about three o'clock of the afternoon, extremely fatigued with their long marches, and drenched with the rain, which had poured in torrents; when the whole were assembled they formed a body of fourteen hundred foot, and six hundred horse.\*

Next day (Sabbath) Lord Kenmare, who had the chief command in Scotland, ordered Mr. Patten to preach in the great church of Kelso, where Mr. Baxter read prayers; he declaimed accordingly upon hereditary succession from Deut. xxi. 17. "The right of the first-born is his." In the afternoon Mr. Irvine, a Scottish non-juring clergyman, formerly chaplain to Viscount Dundee, ex-

\* The Southerners halted on the moor before they entered Kelso, when they appointed their officers, and "to each troop they assigned two captains, being the only way they had to oblige so many gentlemen." —Patten, p. 39.

horted them to be zealous and steady in the service of their king, in a sermon which he had formerly preached to the highlanders a few days before the battle of Killiecrankie. The following morning the highlanders were drawn up in the church-yard, and marched to the cross with colours flying, drums beating, and bag-pipes playing, where they formed a circle, the lords and gentlemen in the centre, and the pretender was proclaimed with the sounding of trumpets, under the style and title of James VIII., by Seaton of Barnes, created by his master earl of Dunfermline. After which the manifesto of the northern rebels was read, and was received by the people with loud acclamations of no union ! no malt ! no salt-tax ! Having finished this ceremonial, the highlanders remained quiet in their quarters till the twenty-seventh, nor were guilty of any acts of hostility towards the inhabitants, only they uplifted the customs and excise, and made a general search for arms, of which they procured but few, the gentlemen and fencibles when they evacuated the place, having carried the whole they could collect with them.

The delay of the rebels in this place gave general Carpenter, who was sent down to pursue them, time to advance, and allowed him leisurely to observe all their motions. On the twenty-seventh he was at Wooler, and intended to approach Kelso next day, which occasioned lord Kenmure to call a council of war for considering the plan of operations they ought to pursue ; lord Winton and Mackintosh earnestly pressed the original design to march to the west, taking Dumfries and Glasgow in their way, and opening a communication with the earl of Mar, and either cross the forth some miles above Stirling, or fall upon the duke of Argyle's rear while he attacked his grace in front : —evidently the most natural plan, as they had not the courage to adopt the safer as well as more soldier-like proposal of passing the Tweed and attacking the king's troops ; who were fewer in number equally or even more raw than the rawest among themselves ; not above one thousand men, of whom two regiments of dragoons were newly raised and had never seen service, besides being extremely fa-

tingued.”\* But the English strongly opposed both propositions, and insisted upon marching for Lancaster, and the council separated without coming to any determination. The army, however, immediately broke up for Jedburgh, where they remained two nights. At which place, as they were some marches a-head of Carpenter, the English gentlemen urged the cowardly project of giving him the slip by crossing the mountains and passing into England.

But the highlanders resisted, and no argument could persuade them to cross the border, whereupon the army turned off to Hawick. The mountaineers, however, still supposing that the march for England was intended, showed strong symptoms of mutiny, and separating themselves from the main body, retired to the top of a rising ground in Hawick muir, where they rested on their arms, and declared, “that they would fight if they would lead them to an enemy, but that they would not go to England.” Upon this dispute, the horse surrounded the foot, in order to force them to march south, when the highlanders, putting their firelocks upon cock, said, “If they were to be sacrificed, they would choose to have it done in their own country;” nor would they allow any one to approach them except the earl of Winton, who encouraged them in their resolution, and assured them, if they marched to England, they would either be cut to pieces, or sold for slaves to the plantations. After two hours dispute, the affair was compromised, by the highlanders agreeing to keep with the army as long as it remained in Scotland, but to leave it as soon as it entered England.

The highlanders being that portion of the army in which the greater confidence could be placed, they always had the guard, and did all the duty; but a party of the gentlemen cavalry, wishing to try their vigilance, on the night after they arrived at Hawick, patrolled in their front at midnight; the advanced guard, however, was on the alert, and an alarm was immediately given; in an instant the whole were under arms, and the night being clear, the moon walking in her splendour through a cloudless sky,

\* Patten, p. 65.

they formed in order of battle, with not less correctness than promptitude, when the horsemen announced themselves as friends, but did not venture to tell that the whole was a practical joke. Next morning they marched to Langholm, and pushed forward a strong detachment of horse to Ecclesfechan, with orders to block up Dumfries till the main body should arrive to attack it. But Dumfries was too well prepared,—the town had been fortified under the direction of some half-pay officers sent by Argyle; two thousand volunteers were in arms ready and eager for the fight, and all the adjacent country was warned to their support.

Among the rest, an express was sent to Mr. John Hepburn, the minister at Orr, who had collected a band of dissenters, well armed, at Kirkmahoe, inviting him to come and assist in defence of the place; Mr. Hepburn obeyed the summons, and came with all expedition to Corberry Hill, at the end of the bridge, but with what intent it is not easy to guess, for when the provost intreated him to enter the town, he put into his hands an unsigned paper, asserting, “that they [his followers] had not freedom in their consciences to fight in defence of the constitution of church and state, as established since the sinful union,” and containing the terms upon which they would accede to the proposal; these were so extravagant, that the provost returned home and left them where they were, and where they continued till the danger was over, being abundantly supplied by the inhabitants with every necessary, which they made no scruple to accept.\*

Early in the morning of Monday, the last day of October, the party at Ecclesfechan had mounted, and were in advance, when an express reached them, sent from some of their friends, with an account of the state of Dumfries, and the disposition of the inhabitants, on which they halted and forwarded the letter to the general. The main body, too, having been put in motion, the messenger met them upon the road, which occasioned another consultation about their mode of procedure; the Scots were for adhering to

\* Rae's History, p. 276.

their plan, and attacking Dumfries; they urged "that Dumfries might be easily taken, there being no regular force in it; that their being masters of it would be of singular advantage to the cause. It being a very rich place, situate upon the mouth of a navigable river on the Irish sea, they might easily receive succour from France and from Ireland, no men-of-war being in these seas at that time; that there they might furnish themselves with arms, money, and ammunition, and open a passage to Glasgow, one of the best towns in Scotland, and so join the highland clans from the west, or for England also if they should think fit. Besides, a great many country gentlemen, on such an appearance, would come in to them, so that they might soon form a considerable army. They were also assured, that in this town there were a great many arms in the Tolbooth, ready for all occasions, in good order, and a good quantity of powder up in the Tron Steeple, all which would be their own. That the duke of Argyle was in no condition to hurt them, but, on the contrary, would scarce think himself safe in Stirling, his troops being not above two thousand men, for he had not been reinforced by the regiments from Ireland, nor the Dutch from England."

The English gentlemen, on the other hand, strenuously insisted upon entering England; "they asserted that the whole country was ripe for revolt; that they had letters from their friends in Lancashire, inviting them thither, and assuring them that in that county alone twenty thousand men would join them upon their first appearance."

Unhappily for themselves the urgency of the English leaders prevailed, and a dispatch was sent to Ecclesfechan ordering the detachment there to join the main body at Langton in Cumberland. But the highlanders again became restive and refused to stir, choosing rather, they said, to surrender themselves prisoners, than go forward to certain destruction. A few with their leaders, were, by large promises and money to the men, prevailed upon to continue, but about five hundred remained immovable; upon whom neither fair promises nor any other argument had the least effect; who, marking their route through the moors, took the way homeward, but provisions being scarce they



were obliged to separate into small parties, and were almost the whole of them made prisoners and kept in safety till the rebellion came to a close. The main body marched on to England to meet their fate; the earl of Winton, who had also separated from the army, declaring that they were taking the way to ruin themselves, from a principle of false honour, afterwards joined the enterprise and shared in their destruction. General Carpenter, who was purposing to march to the relief of Dumfries, and whose men had been mounted through the exertions of Douglas of Cavers and other gentlemen of the county, when he heard that the rebels had desisted from that design and gone south, after resting his fatigued troops a few days, returned to Newcastle.

While these movements were going forward in the south, the opponents in the west and the north were not inactive, Lord Ilay arrived at Inverary on the 6th of October, as did Macdonald and Clanronald at Strathphillen in Perthshire; with seven hundred men, where Glengarry was, who had been joined by three hundred Macgregors and Glencoemen, all under the command of major-general Alex. Gordon.\* The Macgregors, who had risen about the end of September, had seized the boats upon Lochlomond, and kept the whole district in alarm, as it was never known at what part they might land; the loyalists therefore determined, if possible, to gain possession of the craft. For this purpose they procured from the men of war three long boats and four pinnaces, with four pateraroes, two gunners and one hundred seamen under the command of captains Field and Parker, and four lieutenants; and being joined by three boats from Dunbarton, the whole were drawn up the Leven by horses to the mouth of the Loch, where a hundred and twenty Paisley volunteers, and a number of the country gentlemen, with their retainers, marched along the north-west side of the road. At night they arrived at Luss, where they were joined by sir Humphrey Colquhoun of Luss, and James Grant of Pluscarden his son-in-law, "followed by forty or fifty stately fellows in their short hose and belted plaids, armed, each of them, with a well fixed gun on his shoulder, a strong

\* Campbell's Life of John duke of Argyle, p. 180.



handsome target with a sharp pointed steel of above half an ell in length screwed into the navel of it, on his left arm, a sturdy claymore by his side, and a pistol or two, with a dirk and knife, in his belt." Here the company rested, and next morning, after a diligent search, they found the boats drawn up a considerable way on the land. Such as were not damaged they launched into the Looh, such as were they hewed in pieces, and returned without obstruction; the mountain echoes, which till then had probably never been disturbed by artillery, repeated with a thundering noise the discharges of the pateraroes, and multiplied the sounds so tremendously, that the Macgregors, who conceived some vast army was at their heels, ran panic-struck to the rest of the rebels at Strathphillan, who were augmented by Stuart of Appin, sir John M'Lean, M'Dugal of Lime and their followers, with some Breadalbane men, amounting to two thousand four hundred men, commanded by general Gordon. This force appeared before Inverary, but lord Ilay had put it in a respectable posture of defence, and after a fruitless parley, they thought it most expedient to retreat, and join the army under Mar,\* to whose movements it is now necessary to advert.

After his return from Dunblane, he quartered for a few days at Auchterarder, and then returned to Perth and issued an order for levying an assessment of twenty shillings sterling

\* The royalists at Inverary, as well as the rebels at Lochmaben, were subject to false alarms. A small body of horse from Kintyre had joined the earl; the men were quartered in the town, and the horses put to grass on the east side of the small river that runs by the town. One night the animals, tired of their quarters, took a longing to return home. In their march they were obliged to keep along the shore, and cross the river at the lower end of the town. The noise of their feet at a distance put the garrison in the utmost consternation, never doubting but it was an enemy. The horses were upon the full gallop, and advanced every minute nearer. Terror sat on every countenance, which the darkness of the night increased as well as concealed. Immediately all were in arms. But a few minutes put an end to their panic; for some of the geldings passing the river were found to be without riders, and the whole was discovered to be only a plot among the Kintyre horse to desert.—Crawford's Life of John, Duke of Argyll, p. 180.

on those who joined the pretender's standard, and forty on those who did not, upon some parts of the shires of Fife, Clackmannan, Kinross, and Perth; and on Sabbath the twenty-third of October, ordered a party of two hundred foot, and one hundred horse to Dunfermline, to collect it. As they were passing Castle Campbell, notice was conveyed to Argyle, who immediately dispatched a detachment of dragoons under the Hon. Colonel Cathcart, who overtook the mauraders about five o'clock next morning, killed and wounded several, and made seventeen prisoners, whom he brought to the camp at Stirling that same evening, without himself losing a man. To prevent the effects of Mar's requisition, Argyle published a counter order, forbidding the lieges to pay cess to the rebels upon the pain of high treason, and Mar retorted by prohibiting any person from enlisting in the service of the elector of Brunswick under a similar penalty. The regiments drafted from Ireland having arrived, Argyle, still straitened for provisions, directed them to remain in Glasgow, and with some detachments at Kilsyth and Falkirk, to intercept the returning rebels. Mar, who had dispatched messengers to the pretender,—Colonel Hay, and Dr. Abercrombie, author of the *Martial Achievements of the Scots*,—to urge his speedy appearance, resolved to remain in his station till their return; and to prevent a surprise, began to fortify Perth and the Bridge of Earn. As an interlude he brought to Perth Fairbairn the king's printer, who now preferred being printer to the pretender, and employed him to amuse his followers with accounts of victories that were never gained, and risings which, like Irish legacies, were "glorious expectations."

But the country was now worn out, and he had been joined by all the troops he had any reason to expect, excepting those who could join him on a march. He therefore at last resolved to cross the Firth; but with an effective force of twelve thousand men, well armed and furnished with artillery, and opposed by not more than a third of that number, he proposed to accomplish by stratagem what a man of the weakest military talents would have done by

annihilating his enemy. The duke of Argyle, who had obtained high reputation under Marlborough, had acted with consummate prudence, considering the very small means he possessed ; he not only had kept Mar on the other side of the Forth, but he had effectually prevented him from having any communication with the south ; he had intercepted his dispatches, and what was still more important, he had intelligence of every movement his opponent made, and was acquainted even with the resolutions of his secret councils. Mar intended by three false attacks, one at Stirling Bridge, another at the Abbey Ford, a mile below, and the last at the Drip-Coble, a mile and a half above it, to divert the attention of Argyle, while he, with the main body of the army, crossed the fords of the Firth ; but Argyle, apprised of the plan, resolved to anticipate him, for which purpose he called in all his detachments, and concentrated the whole of his forces at Stirling, amounting to not much above three thousand men, and determined to possess himself of the rising ground above Dunblane, keeping the road from Perth upon his left, along which it was necessary for the rebels to pass to the feigned attacks.

Both began to prepare for the important event ; leaving colonel Balfour with a garrison in Perth, the rebel chief on the tenth of November advanced with his army to Auchterarder, where he reviewed his troops, amounting, according to their own accounts, to two thousand three hundred horse, and five thousand foot, there they were joined by general Gordon and the clans, with three thousand foot and some hundred horse, forming in all, an effective force of ten thousand four hundred men. Argyle, committing the defence of Stirling to the earl of Buchan, lord lieutenant of the county, with the militia of the shire, and of the bridge to the Glasgow militia, under the command of colonel Blackadder, on the morning of Saturday the twelfth, encamped on the rising ground to the east of Dunblane, betwixt that and the Sheriff-muir.\* Mar, who, two days before, had intended to take possession of Dunblane,

\* Blackadder's Memoirs, p. 468. Rae's Hist. p. 301.

now sent forward general Gordon and brigadier Ogilvy, with eight squadrons of horse, and all the clans, to occupy the town; and ordered the rest of his army to parade early on the muir of Tullibardine, and thence to follow and support general Gordon, while he himself went to Castle Drummond to meet the earl of Breadalbane. But Gordon found that the duke was before him, and instantly dispatched an orderly to general Hamilton, who was advanced near Ardoch, with the intelligence.

Here Hamilton halted and drew up his army at the Roman camp, and sent express for Mar, who, when he arrived,—as no other message had come from Gordon, who continued marching,—supposing it had been only a small party of the enemy sent out to annoy them, having set the guards, dismissed his men to their quarters, with orders to assemble upon the parade at any time of the night or day upon the firing of three cannon. The army, however, was hardly broke up before the earl had an account from lieutenant-general Gordon, with certain intelligence of the duke of Argyle's being at Dunblane with his whole force. Thereupon the earl desired him to remain where he was till he should come up with him, and ordered the three guns to be fired, when the troops instantly assembled, formed with the greatest alacrity, and marched up to Gordon, then at Kinbuck, where they lay under arms all night, and next morning [Sunday the thirteenth] drew up in order of battle in two lines on the muir, with their front to Dunblane. The first line consisted of the Stirling squadron of horse, entrusted with the standard of the pretender, and two squadrons of the marquis of Huntly's on the right, the Perth and Fifeshire squadrons on the left; in the centre the foot was posted, the clans forming the right, and the lowland regiments the left. The second line was arranged in the same manner, three battalions of Seaforth's, two of Huntly's, Panmure's, Tullibardine's, the Drummonds, commanded by viscount Strathallan, Logie, Almond, and Strowan, formed the centre, flanked on the right by the earl Marischal's, and on the left by the Angus squadrons. Argyle, while tracing out his own position, heard their

watch guns, and having arranged his troops in the same order in which he meant to attack the enemy, his left leaning on Dunblane, his right on the Sheriff-muir, also lay under arms during the whole of a severe September night, without covert, his head-quarters being a sheep-cote at the foot of the hill on the right of the army, where he sat all night upon a little straw. About twelve o'clock he ordered the ammunition to be served out, to each soldier as much as would make thirty rounds.

Owing to the hilly and uneven nature of the ground, although hardly two miles distant, the armies were not within sight of each other; wherefore the duke, by break of day, ordered his army to stand to their arms in the same order in which they had passed the night; that was, in one line, eight battalions of infantry in the centre, with four squadrons of cavalry on the left, and four and a half on the right wing, while he himself, accompanied by major-general Wightman, went to the top of a hill, where the advance guard was posted, to reconnoitre. There they had a partial view of the enemy drawn up in order of battle, their right being completely hid in a hollow; and as they seemed to make a motion towards the king's army, Argyle sent general Wightman immediately back to put the troops in order, and soon after directed him to march to the top of a hill against the enemy. The muir which the preceding night had been impassable and guarded the duke's right, had been frozen during the night, and afforded a firm road for the enemy, whose lines being so much more extended, they pointed their march to take him in flank.\* His grace therefore changed his order of battle, ordered his troops to stretch to the right in two lines, and, coming upon the left of the rebels in the act of drawing up, charged them with such impetuosity that, although they made a vigorous resistance, they were broken through and forced to quit the field.† The duke pursued eagerly as far

\* Colonel Harrison's account of the victory.

† The statement in the text is taken from the official dispatch, which is confirmed by Mar's. General Wightman, in his account, says, that the enemy attacked. I prefer the former authorities, being two to one.

as the river Allan ; but the flight was not so disorderly as to prevent their rallying several times and attempting to re-form, which occasioned several pretty smart skirmishes between the muir and the river. Wightman, who commanded the foot, was by this means relieved from the enemy, and the duke, who believed that he had broken their main strength, sent him orders to pursue.

But while the rebel left was defeated, their right was triumphant ; and had they had a general who knew how to profit by his own good fortune, the victory had been complete. Before the left of the king's army was formed, Mar, at the head of the clans, made a most furious and unexpected attack ; and in less than fifteen minutes, the whole was thrown into entire irremediable confusion. General Whetham himself galloped into Stirling with the fugitives, and announced, to the utter dismay of the inhabitants, that all was lost.\* Wightman, whenever he was apprized of the fate of their left wing, slackened his march, and kept his foot together in order to receive the enemy in the best manner he could if they happened to attack, which he every moment expected, without the least hope of being able to repulse them.† He also sent pressing messages after Argyle, to inform him of the disaster, who instantly returned, and was struck with astonishment at seeing a victorious army in their rear of at least three times their number. He however assumed a resolute attitude, and, facing to the right about, marched toward the enemy, who, to the number of four thousand, were ranged on the top of Kippendavie.‡

\* Col. Blackadder's Diary, Nov. 13.

† In his dispatch of Nov. 14th, he says, if they (the rebels) had either had courage or conduct, they might have entirely destroyed my body of foot, but it pleased God to the contrary ; he, however, pays a high compliment to the inferior officers,—“ I never saw regular troops more exactly drawn up in line of battle, and that in a moment, and their officers behaved with all the gallantry imaginable.”

‡ The Macgregors, upon this occasion, kept aloof, Rob Roy being under too many obligations to Argyle to enter into any engagement against him. “ There was another thing very observable in that day's service,” says Patten, “ that one Robert Roy Macgregor, *alias* Campbell, a noted gentleman in former times for bravery, resolution, and courage, was,

There his grace posted his troops at the bottom of the hill, having the protection of some earth-walls, and ditches; and, as the evening drew on, inclined with the right towards the town of Dunblane. "The enemy," says general Wightman, in his account of the battle, "behaved like civil gentlemen, and let us do what we pleased, so that we passed the bridge of Dunblane, posted ourselves very securely, and lay on our arms all night." Mar retired with his army to Ardoch at night, and thence to Perth. Argyle, upon the Monday, sent a party of dragoons to the field of battle, and brought off the wounded, whom he carried to Stirling, where, not having strength sufficient to follow the enemy, he returned with his army. As tokens of victory, he displayed fourteen of the enemy's colours and standards, among which was conspicuous the royal standard, the *restoration*; he had also six pieces of the enemies cannon, and four of their waggons, with a number of prisoners, among whom were Viscount Strathallan and several gentlemen of rank; the number of the rebels killed and wounded in the engagement is variously stated, but what seems nearest the truth, is the medium, six hundred; among the former were the earl of Strathmore, Clanronald, and some other persons of distinction; the earl of Panmure, Drummond of Logie, and colonel M'Lean were among the latter. The loss on the part of the king's troops was not much inferior in killed, wounded, and prisoners; they allowed six hundred and ten, which, without any great breach of charity, we may safely presume was not the maximum. Among the killed were colonel Hammers and captain Armstrong aide-de-camp to the duke of Argyle. Lord Forfar, who acted as brigadier, was shot through the knee and wounded in fourteen different places, and died on the 8th December; among the wounded who recovered were, the earl of Hay, who received a ball in his side; general Evans, a cut in the head; co-

with his men and followers within a very little distance from the earl of Mar's army. When he was desired by a gentleman of his own to go and assist his friends, he replied, 'If they could not do it without me they should not do it with me.'—Hist. of the late Rebellion, p. 213.

lonel Hawley was shot through the body ; and Charles Cockburn, the son of the lord justice-clerk, through the arm.\*

Mar also claimed the victory, " Had our left and second line," said he, in a letter to colonel Balfour, " behaved as our right and the rest of our first line did, our victory had been complete, but another day is coming for that." Happily for his country that day never came; the golden opportunity which his imbecility allowed to slip, never returned, but he caused thanksgiving sermons to be preached in the church of Perth, the town illuminated, bells rung, and every mark of public rejoicing to be exhibited; while his opponent was assiduously improving the advantages he had so unexpectedly acquired, and while his friends in the north and the south were agonizing under the pangs of sore irremediable defeat.

At the commencement of the rebellion, brigadier M'Intosh surprised Inverness, where he proclaimed the pretender and left a garrison in it under M'Kenzie of Coule when he went south. In his progress to join Mar, on passing the house of Culloden, he stopped and invested it, and demanded what arms and ammunition were within. Mr. Forbes being at London, his lady, a daughter of sir — Gordon of Gordonstoun's, heroically replied, " That her husband had left her the keys of that house, with the custody of what was in it, and she would deliver them to none but himself," and prepared for a vigorous resistance. M'Intosh, when he found he could make no impression on the place, nor terrify its fair defender, turned his plundering banditti loose upon the tenants; unable to assist them herself, she dispatched her chamberlain to colonel Munro of Fowlis, who, without a moment's delay, put himself at the head of two hundred men, for her relief; but at the water of Canon he found Seaforth with fifteen hundred men ready to dispute the passage, yet he did not desist from his attempt to rescue the lady till he

\* Duke of Argyle's dispatches.—Gazette. General Wightman's account of the victory, and the earl of Mar's account of the battle, printed at Perth.



learned that that nobleman had promised M'Intosh should retire.

In the end of the month Seaforth sent a message to sir Robert Munro, who had been for a long while blind, "That he was now designed to execute what he had so long determined, to set king James upon the throne; the matter being now so ripe, as it would be effectuated without stroke of sword," and demanded his arms. Sir Robert replied, "What arms he had were for the use and service of king George, whom he would defend while his blood was warm;" and retaining a strong garrison for the defence of his house, sent the rest of the clan to the Bridge of Alness, where the colonel his son had rendezvoused four hundred men. The day following he was joined by lady Ross of Balnagowan's chamberlain, with one hundred and eighty of her tenants, and on the 6th of October the earl of Sutherland and the lords Strathnaver and Reay came to the camp, attended by three hundred of the earl's, and three hundred of lord Reay's men, forming altogether a body of twelve hundred, with which they never doubted but they would be able to defend their country, and prevent Seaforth from aiding Mar. But Seaforth had now been reinforced from the isles by sir Donald M'Donald with about seven hundred of his own clan, and a number of the M'Craws, M'Innans, and others he had picked up by the way, which increased his force to about three thousand. Having resolved to attack Sutherland, the earl retreated to his own county before a strong detachment which Duncan Forbes, after lord president, had dispatched under captain Grant, to his support, could reach him; and Seaforth advanced to Perth, along with M'Kenzie of Frazerdale, who had prevailed upon three hundred of the Frazers to follow him.

No sooner had the departure of the rebel chiefs left the communication free between the loyalists, than Sutherland called a meeting of the deputy-lieutenants of the shires in his lieutenancy,\* at which it was agreed to send Gordon

\* He was lord lieutenant of the shires of Caithness, Cromarty, Elgin or Moray, Inverness, Nairne, Ross, Sutherland, and Orkney.

of Ardoch to London to represent the state of the country,\* which he did so successfully, that he returned within a month with a thousand stand of arms; and it was also resolved that a plan which had been projected for the recovery of Inverness by lord Lovat, now returned to take possession of his estates, and Culloden, in conjunction with Duncan Forbes and Rose of Kilravock, should be immediately carried into execution. The Moray gentlemen, Lovat and the Grants, were to attack on the south, the earl of Sutherland, lord Reay, the Monroes and Rosses on the north side of the town, and those who could not furnish men were to find provisions. But before Sutherland or Reay, owing to the distance, could bring up their retainers, Lovat, captain Grant, and the deputy-lieutenants of Moray, had invested the town.† Their first attempt at a surprisal through the private passages being defeated by the rashness of captain Rose, the brother of Kilravock, who was killed when too incautiously pressing on the enemy, the besiegers proposed to surround the town and attack from several points at once, for which purpose Lovat took post at the west end of the bridge, captain George Grant, on the south side at the entry to Castle Street, and the Moray lieutenants at the east port.

Sir John M'Kenzie, who perceived their intentions before they had got their arrangements completed, knowing that he was in no situation to offer any effectual resistance, withdrew with his garrison across the Firth, and left the place open to the enemy without a stroke. Colonel Monroe, who arrived with a hundred and twenty men a few hours after the place was entered, by virtue of his military rank, took possession of the castle as governor; Lovat's men, the Grants, and the levy from Moray quartering and keeping guard in the town. Soon after, the earl of Sutherland also came with some artillery he had procured from a ship in the Firth, which, as they were not needed for the siege, he

\* Culloden Papers, Introd. p. 12.

† The deputy lieutenants of Moray were, Kilravock, Lethem, Brodie, Sir Archibald Campbell, and Dunphail.

planted on the castle. To support the garrison, his lordship levied contributions from the lands of the Mackenzies, who, although they had not gone to Mar themselves, had sent their followers. Lovat, Kilravock, and Sir Archibald Campbell, made a similar excursion through Moray and Nairne.

The spirited conduct of Monroe, and the formation of the camp at Alness, had detained Seaforth, a considerable time from joining the rebels in the south, and may be said to have been one of the chief causes of Mar's failure, as he would not venture to cross the Firth without him. The late proceedings recalled him to the defence of his country, and he was forced to leave the camp at Perth, which was still farther weakened by the departure of the Frazers in a body, at the call of their chief. When he arrived about the 1st of December, he concerted with Huntly an attack upon Inverness; but the earl of Sutherland having notice of the confederacy, determined to reduce the earl of Seaforth before he could receive assistance from the Gordons, and instantly advanced against him with a force of upwards of fifteen hundred men, as far as Gilchrist Moor. Seaforth, who, after the battle, could only muster about twelve hundred, made his submission to government, owned king George as his rightful sovereign, and promised to deliver up his arms when required. Sutherland then returned to Inverness, where, in a few days, he received likewise the submission of the marquis of Huntly.

Upon the same day that the northern rebels were defeated at Dunblane, the southern rebellion was extinguished at Preston. Lancashire has been the trap, which, from the days of the "malignant engagement," to the last rebellion, 1745, has always ensnared and ruined the Scots. Thither the combined forces bent their steps.\* The first place they entered on the English side was Brampton, a small market

\* The rebels were accompanied by a facetious fellow of the name of Guin, who went into all the churches on their way, and scratched out from the prayer books the name of king George, so neatly, and inserted the name of king James VIII. so much resembling print, that the trick could scarcely be perceived. Patten, p. 87.

town, where Forster opened his commission sent him by the earl of Mar, to act as general in England, and from this time the remaining highlanders who still followed reluctantly, had sixpence a day allowed them to prevent their mutiny or desertion. At Penrith they expected to have met with friends, but as they drew near they were informed that lord Lonsdale and the bishop of Carlisle were waiting their arrival with the *posse comitatis* to the amount of fourteen thousand men. This undisciplined rabble, however, as soon as their scouts brought them notice that they had drawn up on a common, and were advancing in battle array, dispersed in confusion, shifting each for himself, leaving a considerable booty of horses and arms, and what would have been of more consequence had the rebels been headed by a man of talents, a spirit of high exultation among the enemy, while they carried with them terror and alarm, which they spread over the whole country. At Penrith they rested to refresh themselves, and seize, as their custom was, the public money. Their next march was to Appleby, but there not being any appearance of the country wishing to favour them, some of the English began to desert, and when they reached Kirby-Lonsdale, they found their numbers rather diminished than increased.

On their march to Lancaster, however, they were gladdened with intelligence brought by Charles, second brother to lord Widdrington, that the whole gentlemen of the shire were cheerful and zealous, that the pretender had been proclaimed at Manchester, where the citizens had provided arms for a troop of fifty men, besides volunteers, and that their prospects were never more flattering. The highlanders, who had always complained "that the promises of numbers joining" had uniformly come to nothing, gave three huzzas, took courage, and went on. When they approached Lancaster, the infamous colonel Charteris, who had a seat in the neighbourhood, proposed to blow up the bridge over the Loyne, which the inhabitants resisted as an unnecessary waste, alleging that the river was passable at fords at low water both for horse and foot, but a quantity of gunpowder which the merchants had

on sale was thrown into a "draw-well" in the market place. The rebels then entered without opposition, and found comfortable quarters; for the people, although not remarkably forward, were yet not altogether unfavourable. In the evening a foraging party paid a visit to Charteris's villa, where they regaled themselves with a few bottles of his wine and strong beer, which the colonel, to ingratiate himself with government, magnified into the most horrid excesses; but had his own countrymen been allowed to take vengeance on a wretch they detested as a disgrace to the nation, they would have purified with fire that den of all abominations.

At Lancaster they continued two days, when they seized some arms which were in the custom-house, and some claret and brandy; and besides confiscating the public money, they appropriated a sum which was shipped for a Mr. Hexam, a London merchant and member of parliament, the ship on board which it was not having left the harbour. They also increased their train by six pieces of cannon. Here Buxton, the Derbyshire clergyman, left them, being sent off to his own country to bring intelligence respecting the disposition of the gentlemen in that quarter, but his place was instantly supplied by William Paul, of St. John's College, Cambridge.\* During their stay, their numbers considerably increased, but they were chiefly papists, which disgusted their Scottish friends, who expected to have been supported by all the high church party.

Having received all the addition they could expect in that quarter, they moved from Lancaster to Preston with the intention of afterwards taking possession of Warrington Bridge and the town of Manchester, where they had strong assurances of numbers being ready to swell their ranks; and by this

\* "He came boldly up to Mr. Forster, as he was at dinner with Mr. Patten, at the recorder of Lancaster's house. He entered the room in a blue coat, with a long wig, and a sword, and Mr. John Cotton of Cambridgeshire, with him, they let him know who they were, and in a flourishing way made a tender of their services for the cause, which Mr. Forster accepting, they withdrew."—Patten, p. 92. Paul was afterwards hanged at Tyburn.

they hoped to have commanded the wealthy sea-port of Liverpool, and the means of supporting their army or insuring their retreat. Two troops of Stanhope's dragoons and part of a regiment of militia having retired to Wigan, at their approach, their confidence increased, and they were led to imagine the king's forces would not dare to look them in the face. The pretender was of course proclaimed at Preston, and they were joined by a considerable number of influential gentlemen, with their tenants, servants, and attendants, still all papists. By the same fatality which accompanied them throughout, they remained in Preston two days without attempting any thing, utterly ignorant of the positions, movements, or numbers of the royal force which was gathering around them.

Whether by rapid motions they might have panic struck the country, and attained their object, it is useless to conjecture; their delays gave the inhabitants of Liverpool time to render their city impregnable to any force they could have brought against it. A third part of the approaches were laid under water, and in the avenues which could not be inundated, intrenchments were thrown up bristled with seventy pieces of cannon, while the ships rode in the offing, at such a distance from the shore, that the rebels could not have availed themselves of them even if they had got the town. But now when they attempted it, the arrival of generals Hills and Carpenter had effectually blocked up every road, and on Saturday the 11th, after Forster had given orders for the whole army to march to Manchester, to his indescribable amazement, he heard that general Wills, who commanded in Cheshire, was advancing from Wigan to attack him. Preston is situate on a gentle elevation above the Ribble, and the only access from the south was then across a bridge, the river not being fordable for a considerable way above or below it. Here a hundred choice stout well armed men of M'Intosh's battalion were stationed, under lieutenant-colonel John Farquharson of Invercale, an excellent and brave officer, who would willingly have defended the pass to the last, and allowed the rest time to have got out of the place, the only

chance left them for escape, but Forster withdrew him, and he entered cheerlessly, to augment the number of victims in the town.

Wills, leaving a regiment of dragoons at Manchester to prevent the disaffected from rising, advanced with five others and a regiment of foot. Finding the bridge, where he anticipated a stout resistance, entirely deserted, he suspected a stratagem; but proceeding cautiously, he was astonished to find that no advantage had been taken of the hedges, lanes, or inclosures, and began to suspect that the enemy had retreated on the Scottish side; but when assured that the whole were collected within the town, he instantly perceived the extent of their blunder, and made his arrangements to avail himself of the folly of their leaders. Occupying the inclosures which Forster had neglected, he disposed his troops in such a manner as that he might either attack the town if he chose, or cut them to pieces if they should sally or attempt to retreat. The rebels, who had without an effort given up every tenable position, applied themselves vigorously to barricade the streets, in each of which were placed two pieces of cannon, and the soldiers were posted in the houses, whence they could annoy the enemy without much danger to themselves. The gentlemen volunteers were stationed in the churchyard under the command of the earl of Derwentwater,—who particularly distinguished himself, labouring in the trenches stripped to the waistcoat,—viscount Kenmure, and the earls of Winton and Nithsdale. General Forster formed four main barriers; the first a little below the church, commanded by brigadier Mackintosh, supported by the gentlemen volunteers; the second at the end of a lane leading to the fields, commanded by lord Charles Murray, the third near a windmill under the direction of colonel Mackintosh, and the last in the street leading to Liverpool, under major Millar and Mr. Douglas.

Wills, after reconnoitering, directed two attacks to be made on the opposite entrances of the town, the one in the avenue that led to Wigan, the other on that which lay towards Lancaster. For the first he

selected the Cameronian regiment, commanded by their lieutenant-colonel lord Forrester, and two hundred and fifty dismounted dragoons, supported by brigadier Honeywood's regiment on horseback, who himself led this division; and for the last two regiments of foot and a dismounted squadron of dragoons, supported by two regiments and a squadron mounted. The principal attack was upon the barriers below the church, from which Honeywood was forced to retire; but in the heat of the engagement, intelligence being brought to the officers of the Cameronians, that the street leading to Wigan was not barricaded, nor the houses garrisoned, immediately their regiment was ordered to enter, in the hope of turning Mackintosh's barricade; upon entering, however, and finding that the brigadier's barrier faced also in that direction, lord Forrester drew up his men in the middle of the street, and plied the barricade with musketry, which produced considerable effect; but being himself exposed to the fire of the rebels who were under cover, he lost severely. Unsuccessful at the barrier, he, however, secured two important houses at no great distance, one of which overlooked the whole town, and from whence a party of his regiment were enabled greatly to annoy the enemy. The barrier at which lord Charles Murray commanded, was also very furiously assaulted, but the king's troops were twice beat back, and the officers, seeing that they exposed their men to useless carnage, called them off. A third attack at the windmill, was received with equal gallantry by colonel Mackintosh, and was not more successful than the others: thus far the rebels had the advantage.

During the night the king's forces kept firing from the two houses, of which the Cameronians had taken possession and as the general had ordered part of the suburbs of which he had possession to be illuminated, no rebel could pass the street without being exposed to their shot. A little before day-break, general Wills viewed the posts and arranged the plan of two simultaneous attacks, so as to support each other, and secured his own position by a trench. Yet still there remained some hope for the besieged, by one desperate effort, to break through any enemy inferior to themselves, and effect a



retreat or procure conditions; but on Sabbath the thirteenth, general Carpenter arrived with three regiments of dragoons, accompanied by the earl of Carlisle and a number of gentlemen, when all prospect of escape was cut off. General Wills having shown him the dispositions he had made, offered to resign the command to him as his superior officer, but he generously replied, "he had begun the affair so well that he ought to have the glory of finishing it." Only he pointed out some improvements in his posts, and by his accession of strength the road to Liverpool, which had hitherto been left open, was shut up, and the town entirely surrounded.\*

Invested on all sides, the rebels now too late perceived their mistake; they had neither ammunition nor provisions for a protracted siege, and their spirits began to fail. The highlanders alone adopted a resolution befitting men in their circumstances. With a courage which would have led to victory under happier auspices, they called upon their chiefs to sally out and either break through the besiegers or die like men of honour with their swords in their hands; but the leaders who had

\* Complete Hist. of the late Rebellion, p. 73. Rae, p. 320. Patten says that Carpenter was dissatisfied with Wills's dispositions, and altered them, Hist. p. 110, 111; but although he be the preferable authority for the transactions within the town, having been an eye witness, I do not think him so unexceptionable when he relates the transactions of the king's forces.

An instance of determined resolution in a nameless private deserves notice; he was lame and employed to carry the gunpowder from post to post on a horse. He was told they wanted powder at Mackintosh's barrier, but if he went he would certainly be shot. He answered, "I know I cannot avoid that if I go, but since they want, if I cannot carry it quite up to them, I'll carry it as far as I can." He went on and both he and his horse were killed. Patten, p. 128. It is worth contrasting with that of "a popish priest called Littleton, who having a great deal of the Jesuit, contrived a most excellent disguise; for he put on a blue apron, went behind an apothecary's counter, and passed for an assistant or journeyman to the apothecary, and so took an opportunity of getting off." Patten, who was himself taken, adds somewhat pettishly, "he took care of his own tabernacle, but left his wafer gods to be ridiculed by the soldiers." Hist. of the late Rebellion, p. 129.

drawn them into the snare were incapable of extricating them, and although the axe and the halter hung over their heads, they pusillanimously proposed to surrender. Colonel Oxburgh, who on account of his impudence, high pretensions, and some small reputation as a soldier, had been allowed to guide the operations of the army of which Forster was nominally general, having, together with lord Widdrington and some of the other English gentlemen, prevailed upon Forster to consent to treat, offered his services to manage the capitulation.

Pretending intimate acquaintance with some of the king's officers, he flattered them with obtaining favourable articles, but the general would listen to no conditions; "rebels," he told him, "could expect no other terms than to lay down their arms and surrender at discretion," and when the colonel intreated for some more propitious reply, the only answer was, "They must submit to the king's mercy, and if they laid down their arms and submitted prisoners at discretion, he would prevent his soldiers from cutting them in pieces till he had further orders, and that he would give them but an hour to consider it." This negociator being obliged to return with so hopeless a message, captain Dalziel, brother to the earl of Carnwath, before the hour expired, attempted a separate agreement for the Scots; but Carpenter was inflexible, nor would he so much as give them the smallest hopes of mercy.

When the time was expired, and firing had recommenced, colonel Cotton, with a dragoon and a drum beating a chamade, came to the head-quarters of the rebel commanders to receive their final answer; and sent forward the drum to announce the truce at some houses, where the king's soldiers continued firing, but the poor fellow was shot dead in the act, whether accidentally by his own party or not is uncertain; the vanquished, however, as in all doubtful cases, had to bear the blame, and he was reported to have been killed by some of the rebels who were opposed to the surrender. The disputes between the English who were willing, and the Scots who were averse to consent to an unconditional surrender, ran high, and the colonel was

sent back to his general, with a request that he would grant them a cessation of arms till seven o'clock next morning, in order to adjust their differences, and promising that they would then yield to necessity, and submit without reserve. This Carpenter acceded to, provided they threw up no more entrenchments in the streets, nor suffered any of the people to escape, and that they sent the chiefs of the English and Scottish as hostages; colonel Cotton, who returned with this answer, carried back the earl of Derwentwater and brigadier M'Intosh.

When the capitulation was announced to the common soldiers, who had not the smallest suspicion of any such negotiations being in progress, their rage was unbounded, and had Forster or Oxburgh appeared in the streets during their first transports, they would have torn them in pieces. As it was, Forster had a narrow escape; lord C. Murray aimed at him in his own chamber, and had not Patten, who was present, struck up the pistol, he had never carried the capitulation into effect. The streets were a scene of tumult and confusion, one was shot dead and several wounded, only for mentioning a surrender. By seven o'clock, however, next morning, when their fury had settled in sullen despondency, Forster acquainted general Wills that they were ready to give up at discretion.

M'Intosh, who was standing by when the message was delivered, said, "he would not answer that the Scots would surrender in that manner, for they were people of desperate fortunes, and that he had been a soldier himself and knew what it was to be a prisoner at discretion." "Then," said Wills, "go to your people again, and I will attack the town, and the consequence will be, I will not spare one man of you." The old brigadier apparently accepted the offer and went back, but returned in haste, and said, lord Kenmure and the other noblemen would surrender, as did the English; the bloody alternative, which resolute men in desperate circumstances would have preferred, having no attractions for them; who, destitute of the energy which such an enterprise required, had not made up their minds to dare the worst. Foolishly venturing from that privacy

which they adorned, unfitted, either by talents or experience, for the situations they so presumptuously assumed; they were entangled in the fatalities of a devoted house, and after a complicated series of misfortunes and blunders, expiated their rashness and folly in exile or on the scaffold.

All idea of resistance being abandoned, colonel Cotton was sent in to take possession of the town and disarm the rebels. The generals followed with all the pomp of military triumph, generals Carpenter and Wills at the head of those on the Lancaster side, and brigadier Honeywood, from the opposite, both meeting at the market-place where the highlanders were drawn up under arms. The nobility, gentlemen, and officers were first carried to the several inns, and placed in different rooms, with sentinels over them, then the common men laid down their arms, and were put into the church under a sufficient guard. When all were disarmed and secured, general Carpenter sent off the troops he had brought to Wigan to refresh themselves, and on the fifteenth took his own departure, leaving the care of the prisoners to general Wills.

Although the rebels in Preston amounted to four thousand at the time the town was invested, the number of prisoners taken were only one thousand four hundred and ninety-seven, including seven noblemen, a number of gentlemen, officers, and two clergymen, Mr. Patten and Mr. Irving; of these four hundred and seventy-nine were English, among whom were Forster the general, the earl of Derwentwater, and his brother, lord Widdrington, and two brothers, and Edward Howard, brother to the duke of Norfolk, besides sixty-two gentlemen of family. One thousand and twenty-two were Scottish men, and of these, one hundred and forty-three were noblemen, officers, and gentlemen, including the earls of Nithsdale, Carnwath, and Wigton, viscount Kenmure, lord Nairne, and the master of Nairne, Basil Hamilton, nephew to the duke, and James Dalziel, uncle to the earl of Carnwath; the others were gentlemen of property, not a few of whom were the descendants of the most violent persecutors; nor could even some of themselves avoid remarking when in Newgate, that there

appeared in their punishment something very like retributive justice.\*

The total loss in the different attacks was as follows:—The king's troops had fifty-six killed, and ninety wounded, among whom were brigadiers Honeywood and Dormer, and majors Bland and Lawson, slightly, lord Forster three wounds, captain Ogilvy, son of lord Ogilvy, had a bullet lodged in his side, major Preston was shot through the body, and died in the hands of the rebels; in all one hundred and fifty-six. Of the rebels, there were only seventeen killed, and twenty-five wounded.† Their prisoners, however, suffered for this disparity; the common men were disposed of chiefly by the hands of the executioners, or sold as slaves to the plantations; the higher ranks were sent to London, and entered the capital pinioned like the lowest and vilest of criminals, amid the execrations of the mob, numbers of whom marched before them, beating upon warming-pans, and exclaiming, "no warming-pan bastards!" The noblemen were, with some of the most distinguished gentlemen, conveyed to the tower; Forster, M'Intosh, and about seventy more, were lodged for trial in Newgate, sixty in the Marchelsea, and seventy-two in the Fleet.

The process with the half-pay officers was shorter. Lord Charles Murray, younger son of the duke of Athol, major Nairne, captain Philip Lookhart, brother to Lockhart of Carnwath, captain John Shaftoe, ensign Erskine and ensign Dalziel,‡ who came under this description, were tried by a court-martial as deserters, and condemned to be shot; they pled in bar of judgment, that their half-pay was a reward for services done in the reign of queen Anne,

\* Patten's Hist. p. 134.

† Among the wounded, was captain Peter Farquharson of Rocheby, "a gentleman of an invincible spirit and almost inimitable bravery, being shot through the bone of his leg, he was brought to the White Bull to have it amputated; when he entered he took a glass of brandy and said, 'Come lads, here is our master's health; though I can do no more I wish you good success.' His leg was cut off by an unskilful butcher rather than a surgeon, and he presently died." Patten, p. 104.

‡ Patten says he was a captain.

that they had never been officers under king George, having taken out no new commissions, and therefore not liable to a court-martial; but the objection was overruled, and they were, with the exception of Dalziel, who had thrown up his commission before he engaged in the rebellion, condemned to be shot; and although, when their sentence was under the consideration of the privy council, the lord chancellor declared he did not think them amenable to martial law, and was supported in his opinion by the duke of Marlborough, yet the sentence was carried into execution against four, lord Charles Murray alone, through the interest of friends, being reprived.\*

Thus, the hopes of the English jacobites were extinguished; and the whole details of this ill-conducted baleful expedition might have taught the admirers of the house of Stuart, and of hereditary right, how little reliance was to be placed upon the blustering of the tories, how entirely desperate was their cause, and what a miserable minority they were who espoused it. From this consummation, we might naturally have supposed, that in such an interest the Scots would not again have been easily deceived, but the experience of their fathers is lost upon the multitude, and not thirty years elapsed before they were deluded by similar professions, and led on to ruin in the same direction.

To add to the misfortunes or mischances of the rebels, on the 16th of this unlucky month, three thousand of the Dutch auxiliaries landed at Deptford, who, with a body of troops from the north of England, which the suppression of the rebellion in that quarter enabled the government to spare, marched directly for Scotland to reinforce the duke of Argyle; the other three thousand who had proceeded northward, were dispersed in a storm, five of the vessels lost, and the rest forced to put into Harwich, Yarmouth, and other harbours on the English coast, where the troops disembarked, who also immediately received orders to proceed to the scene of action. Government being now deter-

\* Lockhart's Papers, vol. i. p. 496. State trials—Lord Winton's. Complete Hist. of the late Rebellion, p. 85. Patten's Hist. p. 99, *et seq.*

mined to crush the rebellion in the north as quickly as possible, general Cadogan was dispatched to assist Argyle, followed by brigadier Petit with six engineers; and a fine train of artillery was shipped from the tower, which was however never needed.

Highlanders even at this day, when well disciplined, inherit so much of the ancient spirit of the Gaël, that they are always most formidable in an assault, but then (1715) an inactive campaign to them was destruction. Mar, who ought to have known this feature in the highland character, and to the proper management of which Montrose and Dundee owed all their success, instead of putting forth his strength in the field, and by the rapidity of his movements, overwhelming his adversary, whose numbers were so unequal, reposed on his laurels in Perth, and allowed his men to brood over what, notwithstanding all his assertions, his irresolute timidity, must have convinced them was a real defeat; nor could he conceal from them the disasters of Preston, and of Inverness, which appear to have paralyzed what little energy he had, and sunk his followers so deep in despondency, that they proposed capitulating; and to prevent them doing so separately, he was forced to send proposals to Argyle. Argyle transmitted these proposals to court, but the answer returned was to pursue the rebels with undiminished activity. Apprized, however, of the preparations of government, Mar continued to fortify the town, and establish a magazine; the whole country was assessed for meal, blankets, and coals, as if he had intended to defend the place to the last; but he had already resolved to abandon it on the approach of the enemy, although he calculated that the severity of the season would for a while retard their movements.\*

About the same time, the beginning of December, that the Dutch and English reinforcements for Argyle began to arrive, M'Donald of Keppoch joined Mar, whose ranks had been thinned by the loss of Seaforth, Huntly, and the Frasers, and were daily melting away by desertion; the clansmen preferring the indolence of their mountains to the wea-

\* Mar's journal, printed at Paris, and reprinted as an appendix to Patten's Hist. and in Tindal.

riness of garrison-duty, where there were no prospects either of glory or plunder. At the same date, a striking symptom of decline displayed itself among the rebels in Burntisland. Argyle had sent orders to the commodore on the Leith station to cannonade that port, which he did for upwards of an hour with one vessel, when the garrison, imagining that this was preparatory to a descent by the Dutch or Swiss, precipitately quitted the place, leaving behind them six pieces of cannon, some small arms, and a considerable quantity of salt beef, oatmeal, butter, cheese, and other provisions. This dread of the foreign forces extended to some other petty garrisons in Fife, all of which were deserted with equal precipitation; the places abandoned were immediately entered by the king's troops; and Argyle, when informed of their success, ordered three battalions of the Dutch to cross at Queensferry, and quarter at Inverkeithing and the neighbourhood, under the direction of colonel Cathcart, who was stationed at Dunfermline with a respectable detachment. Fife being thus freed from the rebels, the earl of Rothes began to raise the militia, and the ministers who had fled to avoid being carried to Perth, returned to their charges.

Difficulties were now daily accumulating around the unfortunate Mar, the king's forces were increasing, while his own were diminishing, the whole power of government was now directed against him, while his resources were exhausted, and he already appeared to have been meditating flight, when the arrival of the pretender gave a temporary excitation to his spirits. He expected that all who had gone home would return to their colours, and that those who before had declined appearing for an absent prince, would now, as they had promised, rise when he was come among them; but the most cheering circumstance was, the belief that he was the precursor of what they were greatly distressed for, money, arms, and ammunition,\* but in all he was miserably disappointed.

\* Mar says, in the journal printed under his name in Patten's Appendix, at this time they had not three hundred pound weight of gun powder for the whole army, p. 254. "Some gold was sent to us in lingos, but the ship was stranded, and the gold lost." Mar's journal *ut supra*.



The chevalier had several times gone on board vessels laden with military stores for his service, but not daring to venture when his embarkation was known, he went privately to Dunkirk with the marquis of Tinemouth, son to the duke of Berwick, lieutenant Cameron, and a few others, and obtained a passage in a small vessel, formerly a privateer, laden with brandy, which sailed ostensibly for Norway, but steered direct for Peterhead; where, after a voyage of seven days, he landed on the twenty-second, and the vessel, without stopping, returned to carry to France the news of his safe arrival. Lieutenant Cameron was instantly sent off express to the earl of Mar with the agreeable intelligence; and on the twenty-sixth, his lordship, accompanied by the earl Marishal, general Hamilton, and about thirty “persons of quality,” with a guard of horse, set out to attend him. They met at Feteresso\* on the twenty-seventh, where the pretender discovered himself, he and his attendants having hitherto travelled *incognito* as sea-officers; and the chiefs had the honour of kissing his hand, and proclaiming him king at the gate of the house.

Immediately after general Hamilton was dispatched to France as his envoy, to announce officially his reception in his ancient kingdom, and solicit instant supplies; meanwhile his ephemeral majesty was seized with an aguish distemper which detained him some days, but he employed his valetudinary hours in receiving addresses from the episcopalian clergy of the diocese, and the legal magistrates of the burgh of Aberdeen. The nature of the clerical address will be easily comprehended from a few sentences: after professions of thankfulness to God for the great mercy of his majesty’s safe and happy arrival, and prayers that the blinded eyes of his prejudiced enemies might be opened, it proceeds—“Almighty God has been pleased to train up your majesty, from your infancy, in the school of the Cross, in which the divine grace inspires the mind with true wisdom and virtue, and guards it against those false

\* A seat of the earl Marishal’s, which Montrose had burned when fighting for Charles I. and which was destined to be forfeited in the cause of his grandson.

blandishments by which prosperity corrupts the heart ; and as this school has sent forth the most illustrious princes, as Moses, Joseph, and David, so we hope the same infinitely wise and good God designs to make your majesty not only a blessing to your own kingdoms, and a true father of them, but also a great instrument of the general peace and good of mankind. Your princely virtues are such, that in the esteem of the best judges you are worthy to wear a crown, though you had not been born to it, which makes us confident that it will be your majesty's care to make your subjects a happy people, and so to secure them in their religion, liberties, and property, as to leave no just ground of distrust, and to unite us all in true Christianity according to the gospel of Jesus Christ, and the practice of the primitive Christians !”

The loyal production of the civic rulers being short I shall insert it entire.

“ To the king's most excellent majesty—we your ever loyal and dutiful subjects, the magistrates, town council, and others, your majesty's loyal subjects, citizens of Aberdeen, do heartily congratulate your arrival to this your native hereditary kingdom. Heaven very often enhances our blessings by disappointments ; and your majesty's safe arrival after such a train of difficulties, and so many attempts, makes us not doubt but that God is propitious to your just cause. As your majesty's arrival was seasonable, so it was surprising. We were happy and we knew it not. We had the blessing we wished for, yet insensible till now that your majesty has been pleased to let us know that we are the happiest, and, so we shall always endeavour to be, the most loyal of.—May it please your majesty,” &c.

To both the chevalier shortly answered, that he was sensible of their zeal and loyalty, wished for opportunities to give the clergy marks of his favour, and desired the burghesses to assure themselves of his protection ; as a mark of his satisfaction, he was graciously pleased to confer the honour of knighthood on provost Bannerman, who presented the address. Having recovered, he left Feteresso, January the second, and taking Brechin, Kinnaird, and

Glamis in his road, resting at each a night, on Friday, about eleven o'clock in the forenoon, he made his public entry into Dundee, with a retinue of three hundred gentlemen and guards upon horseback, the earl of Mar riding on his right, and earl Marishal on his left. At the request of his friends he exhibited himself for about an hour in the market-place, and gratified all who chose or could get near, with a kiss of the royal paw. He then dismounted and dined at Stuart of Garntully's, whence, on Saturday, he went to Castle-Lion, a seat of the earl of Strathmore's, where he also dined. That night he slept at sir David Tripplin's, and took possession of the palace of Scoone on Sabbath January the eighth. But his intolerable bigotry would not admit of any religious service being performed by protestants, not even by his devoted non-juring episcopalians; the halls rung with the "Pater Nosters" of father Innes, while Leslie himself, whom he had created a bishop, was not so much as allowed to say grace.

Monday the ninth he made his public entry into Perth, reviewed some of the troops, with whose appearance he was highly delighted, and admired much the highland garb, which he had never seen before. In the evening he returned to the ancient residence of Scottish royalty, and named his council: imitating his father, he opened it in a speech, of which however the tone was somewhat different. "I am now," said he "on your repeated invitation, come among you. No other argument need be used of the great confidence I place in your loyalty and fidelity to me, which I entirely rely on. I believe you are already convinced of my good intentions to restore the ancient laws and liberty of the kingdom. If not I am still ready to confirm to you the assurance of doing all that I can to give you satisfaction therein. The great discouragements which presented were not sufficient to deter me from coming to put myself at the head of my faithful subjects who were in arms for me, and whatsoever shall ensue, I shall leave them no room for complaint that I have not done the utmost they could expect from me. Let those who forget their duty, and are negligent of their own good, be answerable for the most that may happen. For

me it will be no new thing if I am unfortunate. My whole life, even from my cradle, has been a series of misfortunes, and I am prepared (if it so please God) to suffer the threats of my enemies and yours. The preparations which are making against us will, I hope, quicken your resolution, and convince others from whom I have assurances, that it is now no time to dispute what they have to do. If otherwise they shall, by their remissness, be unmindful of their own safety, I shall take it as my greatest comfort that I have acquitted myself of whatever can be expected from me. I recommend to you what is necessary to be done in the present conjuncture, and next to God rely on your council and resolution." The character of the man imparts a character to his speeches, what, in the mouth of a brave and energetic though unfortunate prince, would be the language of pious resignation, when spoken by an indolent priest-ridden pretender, comes under a very different denomination.

His first acts of government were the issuing six idle proclamations:—for a general thanksgiving for his safe arrival; for praying for him in churches; for the currency of foreign coins; for summoning a meeting of the convention of estates; for all fencible men from sixteen to sixty, to repair to his standard; and for his coronation, which he fixed to take place on the twenty-third of January. Excepting the two first, which were partially carried into effect where the rebel troops lay, these proclamations, like some of his great grandfathers, were more the objects of ridicule than of obedience; the last gave rise to discussions which divided his petty cabinet and alienated his best friends;\* he showed an invincible reluctance to comply with the usual form of the coronation oath, obliging the sovereign to maintain the established religion, and the ceremony was in consequence delayed till the advance of Argyle set "his majesty's" conscience at rest upon the subject.

\* The episcopal ladies in particular, were highly displeased; they had believed that he was either a protestant, or nearly one, and had excited their husbands to take arms upon this supposition, but when they found him so untractable their zeal cooled mightily.—Rae's Hist. p. 360.

Strengthened by the reinforcements from England and Holland, Argyle was now as superior to his opponent in number as in discipline and equipment; but as Mar had assiduously fortified Perth, and was daily casting up new entrenchments, the duke,—after waiting for the artillery and stores from London, which lay wind-bound in the Thames, and seeing no prospect of its speedy arrival from the continuance of the storm,—sent fifteen hundred draught horses, and five hundred men, to procure a battering train from the garrison of Berwick, which, with what he obtained from Edinburgh castle, and what he had before, made a formidable show of twenty-four pieces of cannon, four mortars, and two howitzers; waggon also were prepared for carrying fourteen days provisions for the troops. The winter having been uncommonly severe and the snow lying deep on the ground, pioneers were likewise procured, and the country people employed to clear the roads and cut a passage for the army.

All the preparations for the siege were, however, superfluous, the rebels had already resolved on retreating, but on purpose to keep up the delusion among friends as well as foes, that they intended to defend Perth to the last, the pretender issued the following order, useless as barbarous, “James R. Whereas it is absolutely necessary for our service and the public safety, that the enemy should be as much incommoded as possible, especially upon their march towards us, if they should attempt any thing against us or our forces; and seeing this can by no means be better effected than by destroying all the corn and forage which may serve to support them on their march, and burning the houses and villages which may be necessary for quartering the enemy, which, nevertheless, it is our meaning should only be done in case of absolute necessity, concerning which we have given our full instructions to James Graham, younger of Braco. These are, therefore, ordering and requiring you, how soon this order shall be put into your hands by the said James Graham, forthwith with the garrison under your command, to burn and destroy the village of Auchterarder, and all the houses,

corn, and forage whatsoever, within the said town, so as they may be rendered entirely useless to the enemy: For doing whereof this shall be to you, and all you employ in the execution hereof, a sufficient warrant. Given at our court of Scoon, this seventeenth day of January, in the fifteenth year of our reign 1715-16; signed, by his majesty's command, MAR, and addressed to colonel Patrick Graham, or the commanding officer for the time of our garrison of Tullibardine."

Notwithstanding the duke had received artillery, his march was retarded by the want of artillery men, till the arrival of colonel Borgard with the English train, who, leaving his guns at Leith, joined the army at Stirling with his gunners and engineers, on the twenty-ninth. His grace had previously, after holding a council of war, sent out a strong detachment of horse and foot under general Cadogan, to take post at Dunblane, with instructions to push forward his advance to Doune, two miles nearer Perth.\* On the twenty-fourth the commander-in-chief and the lieutenant-general, with a numerous escort, inspected the roads as far as Auchterarder, which so alarmed the rebels, that their smaller garrisons retired in consternation behind the river Earn, and Mar ordered out three thousand highlanders from those of Braco and Tullibardine, who, pursuant to the inhuman orders of the seventeenth, committed to the flames the villages of Auchterarder, Crief, Blackfoord, Dunning, and Muthil,—an inhuman policy which inflicted wanton misery

\* Coxe, in his Life of the duke of Marlborough has inserted some letters of general Cadogan's, which appear at variance with the statement in the text, in which the general claims the whole merit of the campaign to himself, he represents Argyle as tardy and anxious to invent excuses for inaction; a conduct he certainly did not evince at the battle of Sheriff-muir, when, with four thousand, he hastened to meet ten; but it ought to be recollected that Argyle and Marlborough were decided opponents, and Cadogan was an elev  of the latter, who at that time was captain-general in England, and had an extent of military patronage which Argyle did not possess; the subsequent unmerited disgrace of Argyle, which that party effected, renders all their previous communications liable to suspicion.

upon the inhabitants, and turned the aged and helpless to wander starving and houseless on the heath, without retarding the king's army, part of whom only suffered the inconvenience of bivouacking for a night. The moment Argyle was joined by the artillery corps, he left Stirling, and on the thirtieth the army rested for the night among the smoking ruins of Auchterarder.

Although Mar and some of the chiefs had determined on retreating, they had not communicated their intentions to the officers in general, but as it became necessary, upon the advance of the king's army, to take immediate steps, a council was summoned *pro forma* to deliberate. The highlanders, as at Preston, were eager for fighting, and their arguments were the same:—that they could never expect to meet the enemy to greater advantage, who every day as they rolled on, like the snow from the mountains, would accumulate strength, while they themselves were rapidly melting away. Mar, who now felt his total incompetence for the task he had undertaken, strongly insisted upon a retreat, not for the purpose of fighting, but of reserving themselves for some more favourable opportunity. Nor did he conceal their desperate situation, “his great expectation,” he said, “had been from the duke of Ormond landing in England, as had been concerted between his grace and himself, but their designs had been betrayed, and when the duke landed he found his friends so discouraged, that it was impossible to rouse them. He was therefore obliged to return to France, where preparations were making to enable him to make a descent with such power as would protect all loyal subjects; but in the mean time this had left the whole power of England free to fall upon Scotland, and stopped the succour they expected from abroad.” These arguments weighed little with the clans; a strong debate ensued, in which the mountain chiefs warmly urged to measure swords with the enemy, till Mar and some of his counsellors, who were now convinced the better part of valour was discretion, adjourned the council till next morning; but within a few hours he assembled a select number, and prevailed upon



them to agree that it was more expedient to retire than to fight; the men were told that they were only falling back upon Aberdeen, where they expected supplies, and next morning they abandoned Perth. James, at once disrobed of his unthroned majesty, wept like a child, and as he followed his flying adherents, upbraided them with having deceived him, "for instead of bringing him to a crown, they had brought him to his grave."

A party of Argyleshire men, under Campbell of Fanab, and Campbell of Lawers, who had been stationed by the duke, in the earl of Broadalbane's lands, to prevent the disaffected there from joining the rebels,—an important service which they effectively performed,—were now ordered with a party of his own highlanders to meet the army at Perth, where his grace arrived with the horse about one o'clock in the morning of the first of February; he immediately sent them forward as an advance to Dundee, which they entered only a few hours after the rebels had left it.\* From Dundee the rebels retired to Montrose, and a strong detachment sent after them to watch their motions, reached Aberbrothick, a town within eight miles of the former, on the evening of the third. Mar's highlanders, however, being less encumbered with baggage and stores, and all accustomed to such kind of travelling, kept in general about two days march a-head of the main body of the royal army; for the snow being deep on the roads, rendered Argyle's progress tedious, from the number of provision waggons that accompanied him. His grace therefore divided his army, and having ordered major-general Sabine, with five hundred foot and fifty dragoons, to proceed to Aberbrothick,

\* It is strange to observe how party spirit can misrepresent the most laudable actions of an opponent, general Codogan thus represents a conduct which it is difficult to conceive how he could avoid praising, "since the rebels leaving Perth, he [Argyle] has sent for five or six hundred of his Argyleshire men, who go before the army a day's march, to take possession of the towns the enemy have abandoned, and to plunder and destroy the country, which so enrages our soldiers who are forbid, under pain of death, to take the value of a farthing, though out of the rebel's houses. Not one of these Argyleshire men appeared while the rebels were at Perth, and while they might have been of some use."—The reason is obvious, they were better employed elsewhere.



and colonel Clayton, with three hundred foot and fifty dragoons, to make a circuit by Brechin, to call out the country and clear the roads. He sent the infantry column, with general Codogan, by the coast, while he took the upper road with the cavalry; to rejoin next day at Stonehaven, and the day after to proceed to Aberdeen, whither they imagined the pretender to have gone—but the bird was flown.

When the chevalier learned that the royal army was advancing, and their van guard so near as eight miles, he ordered the clans who still remained with him to be ready to march at eight o'clock at night towards Aberdeen, where he assured them a considerable force would soon arrive to their assistance from France. But having set them in motion and ordered his own horses to be brought out, and his body guard to mount, as if he intended to accompany the clans to Aberdeen; he sneaked away privately on foot, attended only by one domestic, to the earl of Mar's lodgings, and thence, accompanied by the earl, skulked through a bye-lane to the water side; where a boat lay ready to carry them on board a small French vessel, the *Maria Teresa* of St. Malo, which was in waiting avowedly for the purpose of carrying an envoy to a foreign court. About a quarter of an hour after, the earl of Melfort and lord Drummond, with lieutenant-general Skeldon, and ten other gentlemen followed, when they hoisted sail and put to sea, leaving the earls of Marishal and Southesk, lord Tinemouth and general Gordon, with a crowd of gentlemen and officers of distinction, to shift for themselves. They were lucky enough to escape the British cruizers, and after a passage of seven days, landed at Waldon, near Gravelin, in France, between Dunkirk and Calais.

At his departure the pretender left a commission for general Gordon, appointing him commander-in-chief, and authorising him to treat and capitulate with the enemy. The general, accordingly, assuming the command, pursued his march rapidly for Aberdeen, earl Marishal, with about one thousand horse, forming the rear guard; and continuing still to distance his pursuers, he entered that

city on the sixth, the day Codogan entered Montrose. Here, calling his officers together, he read to them the letter the pretender had left him, purporting "That the disappointments he had met with, especially from abroad, had obliged him to leave that country; that he thanked them for their services, and desired them to advise with general Gordon and consult their own security, either by keeping in a body or separating; and encouraging them to expect to hear farther from him in a very short time." Upon this intelligence being communicated to the men, who were at the same time informed that they would receive no more pay, numbers of them threw down their arms and dispersed, exclaiming, "they were basely deserted and betrayed by their general and by their king!"

In Aberdeen they remained only one night, and next day the greater part of their remaining forces went to Old Meldrum; about two hundred of their horse, consisting mostly of gentlemen, and the Irish and other officers lately come from France, taking the road for Peterhead, where some vessels lay ready to carry them off, embarked at that port, and about one hundred and forty arrived safe in France. The vessel on board which the others were, being chased by some British men-of-war, they were forced to re-land and rejoin the fugitive remnant of the rebel army; the main body of which outmarching the king's troops sent to intercept them, took a westerly route through Strathspey and Strathdon to the hills of Badenoch, where they separated:—the foot dispersing among the mountains on this side the Lochy, and the horse proceeding to dismiss in Lochaber.

Learning, however, that two French frigates rode in the Pentland Frith, waiting their directions, lord Duffus, sir George Sinclair, general Eckline, and about one hundred and sixty gentlemen, made a sally from the hills, and crossing the shire of Moray to near Burgh-head, they seized some small boats at the village, but finding them unfit to carry so many across that dangerous passage, they put into Dunbeath, where they hired two large barques, in which sixty of them got to one frigate,

the others pressed a coasting vessel, and by this means they were all safely shipped. The frigates, to avoid danger, steered directly for the Baltic, and landed the whole at Gottenburgh, where a majority entered into the king of Sweden's service, who was then preparing for his expedition to Norway, and was enraged against the king of England, who, as elector of Hanover, had ungenerously taken advantage of his misfortunes, and, under the pretext of mediation, had swindled him out of Bremen and Verden.\* Lord Duffus going to Hamburgh, was demanded by the British envoy, and delivered up by the senate. A number of the chiefs, however, had not been able to accompany their friends, and continued lurking among the hills or in the islands; the marquis of Tullibardine, the earls of Marishal, Southesk, Linlithgow, and Seaforth, who had again taken arms, fled to the north; lord Tinnmouth and sir Donald Macdonald went over to the Hebrides, whence they afterwards procured the means of transport to France.

Argyle took up his quarters in Aberdeen two days after the rebels left it, having reduced Dunnotter castle in his way; with a moderation which does not appear to have been agreeable to the government, he spared the vanquished, and after the heads of the conspiracy had escaped, he did not pursue with merciless rigour their deluded retainers; yet he provided for the security of the country, by distributing the troops in such a manner as to prevent the disaffected from again re-assembling, had they shown any inclination. He garrisoned Aberdeen, Inverness, Glasgow, Perth, Dunkeld, Dundee, and Montrose, and strengthened Fort William,† Dunbarton, and

\* Hist. de Charles XII. Campbell's Life of John, duke of Argyle, p. 256.

† The garrison of Inverlochy or Fort William, was a grievous eyesore to the rebels in the neighbourhood, who durst not march south under the risk of having their lands laid waste in their absence. Lochiel's men, and the M'Leans, and M'Donald's attempted to surprise it before they proceeded to Inverary, and carried a covered way and two redoubts sword in hand; but the main body being on the alert, they withdrew for Argyleshire, having taken a lieutenant, a serjeant, and twenty five men. Rae's Hist. p. 223.

Edinburgh; while brigadier Grant and lord Lovat placed their own men in the parl of Seaforth's house at Brahan, Chisholm's at Erphles, and M'Intosh's at Borlam.

Seeing the campaign brought to so successful a close, his grace returned to Edinburgh, to assist at the election of a peer, in the room of the marquis of Tweeddale, who had died a short time before, and left Cadogan in command. He was magnificently entertained the day after his arrival by the public authorities, who were deeply sensible of the high service he had done both to the capital and the kingdom; and on the sixth of March he set out for London. But his calumpniators, Marlborough's spies, had been before him; yet he was graciously received at court, nor had any intimation of the low intrigues that were forming against him.

About the end of February, general Cadogan visited Inverness, resolving to pass through the hills, and effectually put down the clans who still remained in arms. He also dispatched colonel Cholmondly to Lewis, where brigadier Campbell of Ormunde, an old soldier lately arrived from Muscovy, was at the head of a considerable number of Seaforth's men; the island was reduced without a skirmish, and Campbell himself made prisoner.\* Another party under colonel Clayton, was sent to the isle of Skye in quest of sir Donald M'Donald; he easily induced the inhabitants to lay down their arms, but sir Donald himself took refuge in France.

When all was over, three ships arrived at the isles with military stores, but the chiefs were not disposed to risk the remainder of their men against a regular force, and they departed without unloading. Two of them carrying off seventy gentlemen who were under hiding, for-

\* The sturdy old brigadier, who wished to show face, had determined to wait in battle array for the enemy, but the Hebrideans being of a different mind, forsook him on their approach. Enraged at such pusillanimity, when his men fled he refused to accompany them, and remained fixed to the spot where he had drawn them up; and disdaining to turn his back to an enemy, was actually taken standing alone in a charging posture. Rae's Hist. p. 373.

fortunately reached a French port; the third, which had fifty chests of small arms and one hundred and fifty barrels of gunpowder on board, was captured by the *Lively* near the island Ovest.

An order was soon after sent from court to the general, for him to cause be read in every parish church a proclamation, "requiring the rebels to surrender themselves, assuring such of the common people as had been in the rebellion, that, upon delivering up their arms to his majesty's forces, they should have liberty to return home in safety; and at the same time certifying those who stood out and kept their arms by them, and were found resisting the authority of the government, that they should be reduced with rigour." Throughout the lowlands, the common people in general complied with the requisition, delivered up their weapons, and were allowed to return to their regular occupations without annoyance; some of the highland clans however refusing to submit, detachments of troops were sent among them forcibly to take away their arms; but allowing the militia of the county also to be employed in this service, the measure was but very partially carried into effect. Yet a general appearance of submission was produced, and Cadogan; who congratulated himself upon his effective proceedings, leaving the command of the army to general Sabine, departed for London, and the Dutch auxiliaries with their general Vanderbek, were sent home.\* Thus terminated a rebellion, begun without concert, carried on without energy, and concluded without honour.

It remains now only to give some account of the fate of the leaders, and the humbler crowd of prisoners. Parliament met in the month of January, when the king, to

\* The only action in which the Dutchmen were engaged, was in the beginning of January, when the earl of Rothes with a company of volunteers and fifty Dutch, attempted to possess themselves of the palace of Falkland. The rebels, who had got intelligence of their design, threw a body of men into the place, and sent another to surround his lordship in a village not far distant. The earl, however, and the volunteers contrived by some means to escape, but the Dutch were made prisoners. *Campbell's Life of the duke of Argyle*, p. 246.

quicken the proceedings against the rebels, informed them he had reason to believe that the pretender was actually in Scotland; and at the same time promised that he would give up all the estates that should become forfeited to the crown by this rebellion, in order to defray the extraordinary expense which it had occasioned. The commons in return declared, that they thought themselves obliged in justice to their injured country, to prosecute in the most rigorous and impartial manner, the authors of these destructive counsels which had drawn down such mischief upon the nation; a declaration they speedily followed up [Jan. 9.] by expelling Forster from the house, and impeaching the earls of Derwentwater, Nithsdale, Carnwath, and Winton; and lords Widdrington, Kenmure, and Nairne. The day following, they were brought to the bar of the house of lords, where the articles of impeachment were read, and they were ordered to answer on the sixteenth, but the time being considered too short, at their own request it was extended to the nineteenth, and in the case of the earl of Winton to the twenty-third; in the interim, the marquis of Tullibardine, the earls of Mar and Linlithgow, and lord John Drummond were attainted.

At the expiration of the time, their lordships again appeared before the bar of the upper house, and severally pleaded guilty to the charge, only alleging their inconsiderate rashness in extenuation of their guilt, and February the ninth was appointed as the day for their receiving sentence. On the twenty-first, his majesty, in giving his assent for continuing the suspension of the habeas corpus, announced the fact, that the pretender was actually in Scotland, exercising all the functions of royalty, a circumstance fatal to the hopes of the unfortunate noblemen in the Tower. When brought up to receive sentence, they repeated the same plea, humbly implored his majesty's pardon, and expressed their reliance upon his mercy, in the hope of which they had surrendered; they besought the intercession of the peers and commons, promising to the end of their lives to evince, by their dutiful obedience, the gratitude they should ever entertain for the

royal clemency. The chancellor Cowper, who presided as lord high steward, after an affecting and impressive speech, exhibiting their guilt in involving the realm in so much bloodshed without consideration, as an aggravation of their crime of rebellion, pronounced upon them the usual doom of traitors, but intimated, that in the case of persons of their rank, the most ignominious and revolting part of the punishment was usually dispensed with.

Great interest and numerous solicitations were made with the court and the members of parliament, in behalf of the condemned nobles. On the thirteenth, the countess of Nithsdale and lady Nairne, having concealed themselves behind a window curtain in one of the rooms of St. James' palace, watched an opportunity, as the king was passing through the chamber, to throw themselves at his feet, and implore his mercy. This abrupt and irregular application,—for they were not introduced,—surprised and irritated his majesty, and was altogether ineffectual; as was a more respectful application from the countess of Derwentwater, who, attended by her sister, and accompanied by the duchesses of Cleveland and Bolton, and several other ladies of the first rank, was introduced into the king's bed-chamber by the dukes of Richmond and St. Albans, where she humbly implored the royal clemency for her husband. On the twenty-second, the house of lords, induced by petitions from the noblemen themselves, and the earnest solicitation of their ladies, presented an address to the king, requesting a reprieve, to which his reply was equally discouraging, "That on this, and on all other occasions, he would do what he thought most consistent with the dignity of his crown and the safety of his people."

Next day warrants were signed for the execution of the earls of Derwentwater and Nithsdale, and viscount Kenmure, on the morrow; but Carnwath, Widdrington, and Nairne, were respited till the seventh of March, and eventually pardoned. Nithsdale owed his safety to the ingenuity of his lady, and the strength of her conjugal affection.\* Derwentwater and Kenmure suffered on Tower-Hill on the

\* Vide Appendix.

twenty-fourth of February, in pursuance of their sentence. Derwentwater, who was supposed at the time to have been unwillingly drawn into the rebellion, expressed upon the scaffold, his conviction of the right of the pretender to the crown of these realms, expressed his regret at having pleaded guilty to a charge of treason against king George, as he had never owned any other as his lawful sovereign than king James. He received the fatal stroke with firmness, but his fate drew tears from the sympathising spectators, who could not forbear weeping over a young nobleman of immense property, who had hitherto, without mingling much in politics, lived in the true style of ancient baronial hospitality upon his own estates, spending among his tenants the produce of their labours, who gave bread to many hundreds of miners, —none of whom did he constrain to follow him to the field, —whose benevolence was extensive, and whose loss was felt by the poor, the widow, and the fatherless throughout the extensive district where his estates were situated. But he was a papist and a rebel, and in the state of public feeling and alarm, it was deemed impolitic to spare him. Kenmure made no speech; he left, however, a letter addressed to the pretender, declaring that he died for his faithful services to “his majesty,” and hoped the cause for which he suffered would thrive and flourish when he was no more. He was an amiable nobleman, of a calm mild temper, well acquainted with public business, but an utter stranger to military affairs. He died a member of the Scottish episcopal church. The earl of Winton pled also guilty, and was sentenced to be executed, but his execution being deferred, he escaped from the Tower to the continent, where dying unmarried at the advanced age of seventy, one of the most ancient noble families in Lothian became extinct in the direct line.

. Meanwhile a commission of oyer and terminer was made out for trying the prisoners who had been kept in Lancashire, which opened at Liverpool on the twelfth of January. The grand jury, as there was no difficulty in the case, having found true bills against forty-eight, they were served with indictments, and the court adjourned for eight days; during this interval, bills were found against one



hundred and thirteen more, of whom forty were Scottish men. The court again met on the twentieth of January, and continued sitting till the ninth of February, when they finished. Of seventy-four persons who were tried, sixty-seven were condemned, and seven acquitted.

As the rebels or their friends had incautiously boasted that government durst not take the life of one of them, nor even proceed criminally against so great a number, the judges ordered for execution five at Preston on the twenty-eighth of January, seven on the ninth of February, seven on the tenth at Wigan, seven on the eleventh at Manchester, one of whom, Tom Liddal a blacksmith, distinguished by the name of the mob captain, had his head affixed on the cross; three were executed at Liverpool, four at Garstang, and four at Lancaster; in all thirty-four. Convinced of their mistake, with regard to the arm of the law, the remaining prisoners petitioned for transportation, which was mercifully granted; and when the court broke up, they were handed over to the merchants in Liverpool for sale in the plantations!

There remained still, however, the prisoners in the Marshalsea, Newgate, and the Fleet; these having been taken in rebellion in Preston, the law required that they should be tried in the county where the offence was committed, but the expense and inconvenience which this would have occasioned, was considerable. To obviate this difficulty, a bill was brought into parliament for the more speedy trial of such persons as had levied war against his majesty during the late rebellion, authorising courts to be held in Southwark for trying the prisoners in the Marshalsea, and constituting a commission for trying those in Newgate and the Fleet at the court of common pleas at Westminster. The commission met on the seventh of April, and continued their proceedings, though with various adjournments, till the latter end of July. On the first day, bills of indictment were found against general Forster, brigadier McIntosh, and twenty more. A week was allowed them to prepare their defences, Forster employed the interval in preparing for

flight, and took wing on the tenth at midnight. A reward of a thousand pounds was immediately offered for his apprehension; his measures, however, had been too well laid, for the very day on which he left prison, he arrived in France. The keeper of Newgate, Mr. Potts, was tried for criminally aiding or conniving, but was acquitted.

The others when brought up for trial, pleaded not guilty, and on their petition had three weeks granted for producing their pleas; they, like Foster, improved them for contriving their escape, which brigadier M'Intosh, with fifteen others, accomplished on the night of the fourth of May, by knocking down the keeper of Newgate and the under turnkey, from whom they took the keys and opened the door; several of them, however, mistaking the streets, were re-taken, but the chiefs got clear, although a thousand pounds reward was offered for the apprehension of M'Intosh, and five hundred for each of the others. The court proceeded with the trials of the rest on the day affixed, commencing with Oxburgh, who was found guilty, and had his head set up on Templebar. On the 16th, Thomas Hale of Otterburn and Robert Talbot, were also found guilty, as was Mr. Gascoigne, all of whom were reprieved except Gascoigne, who suffered at Tyburn; and on the fourth of July, thirty were tried who pleaded guilty, (in which number was Paul the clergyman) and were likewise respited—only Hall and the chaplain were afterwards executed in most cruelly aggravated circumstances. When the king went to the continent, he left the prisoners in the high hope, if not absolute certainty, of a free pardon; but one of the first acts of the prince as regent, was to sign death warrants for the execution of twenty-four; after thus most unjustifiably sporting with the feelings of these unhappy men, twenty-two, who had suffered all the bitterness of death, were respited again, and finally dismissed;—the other two were carted to Tyburn, professing to exult in the cause for which Paul affirmed they were martyred.

The judicial proceedings in Southwark, which were car-

ried on at the same time, were neither so extensive nor so bloody ; of eleven who were indicted, three were acquitted; the greater part of the remainder threw themselves upon the king's mercy.

To avoid a temporary violation of the law in England, an act of parliament was deemed necessary ; no such delicacy was used towards the Scottish nation, the prisoners taken at Dumblane and Dumfermline, and confined in the castles of Edinburgh, Stirling, and Blackness, were brought before a commission of oyer and terminer held at Carlisle, to the great dissatisfaction of all the patriotic Scots, who considered it as an insult to their loyalty, an encroachment on their rights, and an additional humiliation to the country ; and a number of tracts were printed at the time to prove that no power in Britain could legally authorize any English court to take cognizance of crimes committed in Scotland ; that the act which extended the English law of treason to Scotland was merely a temporary experiment in a time of most imminent danger, which, now that there was no danger, ought to be repealed, or, if retained, ought to be acted upon in the spirit of English law, and the accused tried in the place where the crimes were alleged to have been committed. “ The union,” it was said, “ had been agreed to for the security of the Hanoverian succession, and the Scots had unwillingly sacrificed the independence of their ancient kingdom for the sake of that illustrious house ; and was this a grateful return for their attachment to his majesty's family, or an effectual method for extirpating the seeds of rebellion, and allaying the murmurs of discontent, to pursue measures in prosecuting the unhappy gentlemen,—for the greater part of them were so—that could only be looked upon as a wanton encroachment upon their reserved privileges ?”\*

The prisoners, when carried to Carlisle, at first resolved not to acknowledge the authority of the court, but to plead their supposed rights ; but upon its being represented

\* Culloden Papers. Int. p. 13. Tracts.

to them, that if they did not answer to their indictments, they would, according to the law of England, be liable to the horrible punishment of being pressed to death, while there was likewise a probability that their objections would be overruled by the judges; and at the same time being flattered with the hopes of mercy, they all, except four—one of whom was acquitted, against two the prosecutions were dropped for some secret services, and the fourth, brigadier Campbell of Ormond, made his escape before trial,—pleaded guilty, but were finally set at liberty by an act of indemnity. These were the last trials of any importance connected with this rebellion.

# THE HISTORY OF SCOTLAND.

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## Book XXI.

It is one of not the least frequent occurrences in our history, that those to whom we should most confidently have looked as the natural guardians of freedom, and whose influence professedly founded on their upright watchmanship of popular privileges, should have rendered them jealous of the smallest encroachment, have themselves made the widest inroads upon the constitution, and that in its most popular branches. The aggressions of the whigs in this way have been repeatedly noticed; but perhaps the most flagrant attempt to secure their party in power was the act passed this session—to whose proceedings I now revert—for transforming themselves from a triennial into a septennial parliament. Even the first proposal to suspend the operation of the triennial act for “once,” till the public mind became settled, could only have been justified by extreme necessity; but when the danger was past, and the government stronger than ever, to lengthen the duration of parliament, was not less arbitrary than uncalled for.

As, however, it was by no means agreeable to many among the friends of government, to lessen the odium, it was originated in the house of lords. His grace of Devonshire had the honour, or the obloquy, of introducing this bill (April 10th.) Its preamble stated the pretexts, for arguments they can scarcely be called:—

“ It has been found by experience that triennial parliaments are grievous, by occasioning much greater and continued expense, and more violent and lasting heats than was ever known before. And if the triennial act continue, it may probably, at the present juncture, when a restless and Popish faction are designing to renew the rebellion at home, and an invasion from abroad, be destructive to the peace and the security of government. Be it therefore enacted, that this present, and all future parliaments, shall have continuance for seven years, to be accounted from the date of the writ of summons, unless this or any such parliament shall be dissolved by his majesty, his heirs and successors.”

In the course of the debate, earl Dorset sarcastically but too truly remarked, “ that they who now spoke against the bill, would be for it if it served their turn.” He argued “ that triennial elections destroy all family interest, and subject our excellent constitution to the caprice of the multitude, and would tend to obstruct foreign alliances;—for who could build upon so changeable a foundation ?”

The earl of Nottingham who, on this occasion, joined the tories, summed up the arguments on the other side: “ Frequent parliaments,” observed this nobleman, “ were of the essence of the English constitution, and sanctioned by the practice of ages. The members of the lower house,” continued he, “ are delegated by the body of the nation for a certain term of years, at the expiration of which they cease to be the representatives of the people. As to the pretence of giving stability to foreign alliances, the very contrary would be the case, for it represented the government as so weak that it needed this extraordinary provision for its safety—that so far from lessening expense, it would increase it, and introduce additional motives for corruption; as the value of a seat in the commons’ house would rise in proportion to the time it was to be enjoyed, and it would facilitate the plans of any unprincipled ministry who might wish to undermine the integrity of parliament; nor were the arguments for a seven year parliament half so strong as they would be, if applied to prolong it for ever.” The bill

passed; but a strong protest was entered by twenty-four lords.

When sent down to the commons, it was proposed to be rejected without being read, as an unwarrantable inroad upon the constitution; but it was alleged to be unprecedented to treat any bill from their lordships with so little ceremony,—it was accordingly brought in and read. The debates were violent, but the speakers went nearly over the same ground as in the house of peers, only some of the gentlemen enforced the prolongation of their term by the following arguments, admirably adapted for catching the vulgar. “Having with so much danger and difficulty secured our religion, laws, and liberties, when all was at stake from the treachery of the late ministry, and the unaccountable proceedings of the last triennial parliament, why should you run the risk of a new one so soon, to be first chosen by French money, and then voting by French directions? Since the king and this parliament exert their united power for the good of the public, and to retrieve the honour of the nation, why should they not continue longer together, that they may finish what they have so unanimously and happily begun?” But the extravagance of the following assertions will convey some idea of the manner in which these debates were managed. “The electors and the people of all the boroughs of England,” said a Mr. Lyddal, “having for several years past been bribed and preached into the pretender’s interest, and a dislike to the protestant succession, it becomes rather necessity than choice to apply an extraordinary remedy to an extraordinary disease.” The bill was approved of by a large majority of the commons, and so fearful were they of its being lost, or any of their privileges curtailed, that a motion for disabling pensioners during pleasure, from sitting in the lower house, was negatived without a division.

During the debate, in which the Scottish members were, with their usual good sense, found in the majority, after one of their number had spoken in favour of the measure, Mr. Snell, an Englishman, remarked, “that it was no wonder that they who had betrayed the liberties of their own

country, should be so ready to give up theirs." "The member who made that speech would not be so bold as to utter these words any where else," exclaimed another northern representative, and a warm altercation ensued; when Mr. Snell, being allowed to explain, said, "that he meant no personal reflection, he only spoke of the Scottish nation in general." "This explanation," cried sir David Dalrymple, "aggravates the offence;" and a more tumultuous scene was succeeding, when Mr. Snell put an end to the business by asking pardon for any unguarded expression he might have made use of. Parliament soon after terminated their proceedings, and the king leaving the prince of Wales regent; set out for his continental dominions.\* The duke of Argyll was rewarded for his services by being dismissed from all his offices, the chief of which were bestowed on general Carpenter;† and the earl of Hay, by being turned out of the clerk registership, to make way for the hereditary enemy of their family, the duke of Montrose.‡

The presbyterians, whose all had been at stake, enjoyed the triumph of the protestant and Hanoverian cause, and his majesty appeared to appreciate justly their meritorious services. In his letter to the assembly, [May 1716,] he told them; "the fresh proofs you have given us during the course of the late unhappy and unnatural rebellion, of your firm adherence to those principles on which the security of our government and the happiness of our subjects do so entirely depend; and the accounts we have from time to time received of your great cares to infuse the same into the people under your charge, do engage us to return you our hearty thanks, and to renew to you the assurances of our affection we have formerly given." The assembly, in their dutiful reply, expressed their grateful sense of his

\* Not long before, general Macartney, who had returned from abroad, stood his trial for the murder of the duke of Hamilton, and was acquitted. The chief evidence, colonel Hamilton, contradicted himself, and was in consequence disgraced. Macartney was restored to his rank.

† Commander in chief in Scotland, and governor of Minorca and Port Mahon, colonel of the first regiment of horse guards.

‡ Tindal, book xxvii.



majesty's condescension, and "therefore hopes that in due time they would obtain redress of their grievances." It was, however, reserved for our own day, [1828,] to have the sacramental test, of which they complained, legally removed, while the act of patronage still remains in force, but has ceased to be numbered among the grievances of the church by the venerable court.

Nothing more favourable could have occurred for the political interest of the national church, than the rise and speedy suppression of the rebellion, the main supporters of which were episcopalians; and of this circumstance the moderator, [Mr. Hamilton, professor of divinity, Edinburgh,] took especial notice in his closing address. "All of us," said he, "may be sensible that our affairs have, upon occasion of the suppressing of the late rebellion, taken a turn very different from what they were formerly. Ever since the late happy revolution till now, our church had a powerful party to oppose her, who watched all occasions to overthrow our constitution; and no doubt that circumstance had its own weight upon our minds, to make us take our measures with the more caution, considering ourselves in that view as having a strong party waiting for our halting; now things are altered not a little—we seem to be eased from our fears in that quarter." What tended, however, to render the external state of the church apparently secure, tended probably in an equal degree to promote its internal corruption and disunion, its laxity of religious, and its rigour of clerical discipline. Mr. Simpson, professor of divinity in Glasgow college, who had enunciated from the chair doctrines of very doubtful interpretation, had at this assembly occasioned considerable discussion, and excited very general attention; he was accused of Arminianism, Jesuitism, and Socinianism, but by "propounding propositions," and offering explanations, the affair occupied the whole session, and was not finished at its close. Alluding to this Mr. Hamilton gave the ministers an almost prophetic warning. "I remember it was observed," said he, "that shortly after the great change in the Christian church by the Roman emperors their becoming Christians, their

own schisms, and divisions, and uncharitableness came to such a height, that in respect of the state that things came to, the church's condition under the most cruel of the former persecutions, was to be reckoned happy."\* Already were the seeds of dissension springing up in the bosom of the establishment, and this was almost the last assembly which dispersed quietly till after the grand separation among the brethren !

In the midst of the general confusion, the society-men acted up to the letter of their principles. On the first rumour of an invasion, they desired such of their number as inclined to rendezvous for the common defence, to do it in such a body as might amount to a company, "but to do it privately, lest they should expose our meanness to our enemies;" but when the danger became more urgent, they required a meeting of all the fencible men belonging to their connection, "in order that they might publish a declaration of what they would, and what they would not stand for," on purpose to exhibit it to the lieutenants of the shires, in case any of them should be called upon to appear in the defence of the government; and they recommended it seriously to all the fellowships to appoint a day of fasting and humiliation, to deal with the Lord for light and conduct, for preservation and the aversion of the present stroke, or at least for a mitigation of the just deserved judgments.† The day of humiliation most probably was kept, but they fortunately escaped being called upon to take arms.

Restless and chagrined at their late disappointment, which they affected to consider as a demonstration of what might have been done under abler leaders, the jacobites looked eagerly to any quarter whence the least appearance of renewing the struggle might arise; and the conduct of the king towards Sweden opened the way to a new intrigue with the ministers of that monarch, the most rational and formidable which had yet been planned. The rupture with Charles for an object entirely Hanoverian, had been great-

\* Register of the General Assembly, MS. Bib. Edin.

† Minutes of the General Meetings, MS.

ly detrimental to English commerce, and had raised an universal discontent among the merchants. This the Swedish ministers had endeavoured to foment, and in their intercourse with the disaffected, the project of an invasion of Scotland by the Swedish king, at the head of twelve thousand chosen troops, was suggested. Their war with Denmark afforded a pretext for collecting a naval force, and the transports who brought provisions for the fleet were to be employed in carrying stores and arms for fifteen thousand men. The whole was to be collected at Gottenburgh, and a few days would be sufficient to carry the expedition to Scotland, before the British government, taken unawares, could be able to collect a fleet to oppose them; and on landing, a formidable body of highlanders would soon collect around them. The British army, reduced to the peace establishment, and the foreign troops sent home, no obstacle would then remain to prevent a rapid march to the capital; and the fate of the three kingdoms might again have been decided almost without a battle.

But the pretender could never keep his own secrets. With characteristic folly he proposed going immediately to Gottenburgh; and upon his wish not being granted—as that would have been sounding the news by trumpet through Europe—the tattling of his petty court carried the tidings as effectually to the ears of king George; who immediately hastened home, and by a bold invasion of what is called the law of nations, seized the Swedish resident in London, count Gyllenburgh, and procured the arrest of baron Gortz by the States of Holland, from whose papers the extent of the conspiracy was fully ascertained.\* Part of the money required had been remitted by some English

\* While abroad, the king concluded what is generally called the triple alliance between France, Holland, and Britain. By it France guaranteed the protestant succession, and the residence of the pretender beyond the Alps, and promised to afford no shelter to any British rebel, and to demolish the fortifications of Dunkirk. Britain engaged to guarantee the succession of the duke of Orleans to the throne of France in case of the king's death, who was a sickly infant, and all the respective parties contracted to assist each other, in case of disturbance at home or invasion from abroad.

houses, and the whole was to have been contracted for by way of loan; but the discovery put an end to the negotiation.\*

Although Scotland was the place where the invasion was to be attempted, none of the influential characters there had been entrusted with the secret. Application, however, was made by Mar, through captain Straiton, to the titular bishop of Edinburgh, lord Balmarino and Lockhart, to see whether the pretender's friends could not purchase and send to Sweden five or six thousand bolls of oatmeal, "which would be of great service to the king." But the state of the party—the most wealthy being exiles, forfeited, or labouring under great pecuniary embarrassment—rendered compliance impracticable, could it even have been accomplished without attracting the notice of government. A second application for money having, for the same reasons been equally unsuccessful, no farther attempt was made to implicate the partizans of James in Scotland in the Swedish business, which finally terminated by the death of Charles.

After Sweden failed, the pretender, as a forlorn hope, turned to Argyle, supposing the duke and his brother Ilay might be gained during their disgrace by his magnificent promises; and it is amusing to observe the eagerness and fond credulity with which Lockhart entered into the scheme, but upon which he never dared to make any distinct proposals to his grace, nor does he ever appear to have held any direct communication with him upon the subject. The duke naturally, when out of place, joined the opposition; but he came to no pointed altercation with the court, and after the death of Marlborough, was again received into favour. Excepting their conduct in parliament, there seems to have been no grounds for the strange supposition of the laird of Carnwath, that either of the noble brothers were inimical to the government; nor have I been able to perceive in this any symptoms of that unaccountable insanity which an inclination to support the

\* Correspondence of the Swedish ministers, &c. printed by order of parliament.

ruined cause of an imbecile, contemptible, and exposed pretender must have implied; and which in any of the house of Argyle, would have been folly beyond the range of common infatuation.\*

. When parliament met, the triple alliance was approved of; and war in effect declared against Sweden, money being voted by the commons for the support of a military establishment. On a message from the king, an additional two hundred and fifty thousand was granted, but only by a majority of four, a powerful minority asserting, that the dispute was entirely German; "the demand (said Mr. Shippen) shows that his majesty is as unacquainted with the constitution as with the language of the land." An act of indemnity, from which only the earl of Oxford, lord Harcourt, and a few others, were excepted, set the prison-doors open to the rebels.† The disposal of the forfeited estates occasioned more debate:—commissioners for managing this affair had been appointed for some time, but difficulties had arisen in Scotland, from the claims of creditors who, by the ordinary course of law in that country, were in possession of the lands. In some cases, there is no doubt the alleged debts were collusive, and the judges,—who sympathised with the sufferers, and were still influenced by the principles of ancient Scottish jurisprudence,—being inclined to favour the claims, had sequestered the most considerable of the estates, and appointed factors to receive the rents in behalf of the creditors. These factors, when ordered by the commissioners to pay the proceeds into the exchequer, refused, alleging the authority of the court of session; nor would the court, upon petition of the commissioners, recall the sequestrations, as the act for encouraging loyalty in Scotland [vide p. 190.] provided that no conviction or attainder should exclude the right of any creditor remaining peaceable, for his just debts, contracted before the commission of any of these crimes. The ba-

. \* Lockhart's Papers, v. ii. p. 7, *et seq.* Tindall, book xxvii. Campbell's Life of Argyle.

. † The ~~plan~~ Macgregor were also excluded, but this was merely the continuation of an old act.

rons of the exchequer were next applied to, but they refused to interfere. In the following session, which met in November, in order to get quit of this incumbrance, a bill was brought into parliament "for vesting the forfeited estates in Great Britain and Ireland, in trustees, to be sold for the use of the public; for giving relief to lawful creditors by determining their claims; and for the more effectual bringing into the respective exchequers the rents and profits of the estates to be sold." This bill, which went to set aside the jurisdiction of the court of session, was violently resisted by some Scottish members as an infringement of the union, and as erecting an arbitrary and tyrannical tribunal unknown to the constitution; the English members opposed it as interfering with the rights of the house of peers, the last court of appeal. It passed, however, and may be said to have sown the seeds of the rebellion 1745. Although the rebels formed but a miserable minority in the middle and lower ranks, yet they were extensively connected with the higher classes; and as of all the gentlemen who embarked in the rebellion, not a tenth man was easy in his circumstances, nor were there above a dozen of the rest whose estates, if sold, would have paid their debts, the ruin which even the mitigated operation of the bill produced among their loyal friends and relations who were involved with them, must have been immense.\* One of the truest patriots his country ever could boast of, declared that he trembled to think of the dissatisfactions it would produce against a settlement so necessary for the happiness of Britain; and shortly after, when writing to sir Robert Walpole, told him that those consequences which at first might have been easily foreseen, had accordingly fallen out, and that in Scotland there were not an hundred persons who could be

\* The rents being generally paid in kind, of which I have given a specimen in the appendix, the money price of land bore no proportion to the state and style of living kept up by the proprietors; and although they contrived to pay or comprise "the annual-rents" and the debts upon their property, yet the property, if brought to sale, would not have, in many instances, produced as much as would have half liquidated the obligations upon it.

restrained from murmuring upon any other consideration than the hope of the overturn of that fatal bill.\* In order to soften the bill a little, however, a clause was added, appropriating twenty thousand pounds for erecting schools; but even that was embittered by eight thousand being devoted to building barracks in the country.

For some time the jacobites continued quiet in Scotland, and the chief subjects of interest were the divisions of the church, now that the favour of government having freed the ministers from any dread respecting their political ascendancy, had allowed them time to apply themselves more sedulously to their proper ecclesiastical affairs. It had long been remarked with grief by the friends of the church, that their rulers had been gradually dividing into two parties upon doctrinal subjects. One party, and that the increasing one, were inclined to relax the interpretation of the points termed Calvinistical, and rather to favour the arminian scheme interpretation; the others adhered rigidly to the creed of the church, as expressed in the Confession of Faith, and the differences of their opinions on these subjects were every day widening, when professor Simpson's trial, and the case of the Auchterarder presbytery, placed them directly at issue upon the disputed points, and regimented them into distinct and regular opponents.

Notwithstanding his explanations, it was impossible for his friends, with all their partiality, to free the professor from the charge of teaching doctrines inconsistent with orthodoxy; yet the assembly this year, 1717, although they found that he had adopted some hypotheses not evidently founded on scripture, and which tended to attribute too much to natural reason and the power of corrupt nature, to the disparagement of revelation, and efficacious free grace, contented themselves with merely prohibiting him "from venting such hypotheses in future," without marking their displeasure at his conduct, or their sense of the dangerous nature of such teaching. But the presbytery of Auchterarder, who dreaded the extension of arminian tenets, had refused a Mr. Craig an extract of his

\* Culloden papers, p. 61, *et seq.*



licence, because he would not subscribe to the following proposition: "I believe that it is not sound and orthodox to teach that we must forsake sin in order to our coming to Christ and instating us in covenant with God," which the presbytery explained as being the same thing as to require a man to get quit of his disease before he came to a physician; or to insist upon a child being re-instated in the favour of an offended parent before he applied to a mediator. The Assembly differed in opinion, and ordered the presbytery to give Mr. Craig an extract of his licence to preach the gospel; and passing the explanation, "declared their abhorrence of the proposition, as unsound as it stands." Their explanation was, however, accepted by the commission, but they were admonished, and prohibited from using the same expressions in time coming.\*

While these subjects engaged the attention of the Scots, their southern neighbours were employed in criticising the foreign politics of his majesty, who had formed what was called "the quadruple alliance," for which they could perceive no rational object; but which, for the purpose of securing Sicily to the emperor of Germany, plunged Britain into an unnecessary war with Spain;—and this war led to a new project in favour of the pretender.

Cardinal Alberoni, who then ruled Spain with the most absolute sway, was highly incensed at king George, and the personal enemy of his ally the duke of Orleans; these he was desirous to humble, and, besides the glory of giving a king to Britain, he was zealous in the cause of a prince who had lost his crown for his father's attachment to that religion of which he was so high a dignitary. He invited the duke of Ormond to Spain, in the end of the year 1718, to concert with him the proper measures for accomplishing his object. In the beginning of the next, the pretender himself arrived at Rosas, in Catalonia, from Italy; whence proceeding to Madrid, he entered that capital in one of the royal coaches, attended by the guards, and was lodged in the palace of Bueno Retiro. There he was visited by the king, queen, the prince of Asturias, and the great officers of the

\* Register of General Assembly, MS.



crown, who acknowledged and complimented him as king of Great Britain. His arrival was the signal for the departure of a formidable expedition from the port of Cadiz.

This armament consisted of six thousand troops, chiefly Irish, with arms for ten or twelve thousand men, embarked on board of transports, and escorted by ten men-of-war. The duke of Ormond accompanied the expedition as captain-general of the king of Spain, who professed to act merely as auxiliary to king James, to whose adherents he offered a secure asylum in his dominions, and to every land and sea officer who was disposed to join him, the same rank in the service of Spain as they held in the service of the king of Great Britain. The expedition sailed with a fair wind, and with every prospect of success, as there was no British fleet to oppose their passage, but when off Cape Finestere a violent storm which lasted two days, completely dispersed them. The admiral's ship, having lost all her masts, was forced to return to the coast she had left; and the second armada scattered by the same power which destroyed that named invincible, was driven to seek shelter in their own ports, though not till they had demonstrated that in spite even of her naval superiority, Britain is accessible to invasion.

Two frigates which sailed from Port-passage, escaped the fate of the fleet, and arrived at Kintail in Ross-shire on the sixteenth of April. They had on board the earls Marishal and Seaforth, and the marquis of Tullibardine, three hundred and seven Spaniards, and arms for two thousand men. The Spanish officer, who expected to have found ten thousand insurgents ready to join him, when he saw that only a few highlanders made their appearance, was with difficulty prevailed upon to land. But the persuasion of the Scottish nobles prevailed, and he took possession of Donan Castle, which he garrisoned with fifty men, and then proceeded to the heights, where the rebels and he took possession of the pass of Glenshiel, with the avowed intention of defending it till they were supported. Meanwhile, general Wightman, upon the first news of their landing, was ordered from Inverness with a detachment, to march in quest of the enemy. Upon the approach of his force,

which was considerably superior in numbers, the highlanders withdrew to Strachell, a more advantageous position, where they awaited the attack of the king's troops, (June 18, 1719.) There, where the horse could not approach, they kept up a smart skirmish for above three hours with the foot, till the approach of the artillery warned them to disperse, which they did among the defiles of the mountains, but not till they had inflicted on their pursuers a loss of twenty-one killed, and upwards of a hundred and twenty wounded. Lord Seaforth and Tullibardine were wounded, and were carried off by the rebels, whose loss was never accurately ascertained. The Spaniards who had remained at Glenshiel without taking part in the engagement, surrendered themselves prisoners at discretion next day, which terminated the invasion.\*

No previous communication had been held with Scotland, nor was it known to the pretender's friends there that any attempt would be made, till the expedition had sailed, and they might have learned it from common report. Having so recently smarted for their rashness, the jacobites for once acted with prudence, and determined not to move a step till they were assured of Ormond's having landed, and of England's being fairly engaged, a resolution which kept the country south of the Forth in perfect tranquillity.

Almost every attempt in favour of the forfeited family usually produced effects diametrically opposite to those intended, nor was this an exception. Happening at the time when parliament was sitting, it deadened the opposition to the Spanish war, procured from both houses assurances of support, and the commons promised the requisite supplies

\* About the latter end of June, the pretender was married by proxy to the princess Sobieski, grand-daughter of John Sobieski, king of Poland. The emperor of Germany, who took a great interest in the family of Sobieski, endeavoured strongly to prevent the match, and even stopped the princess in the Tyrol on her way to Italy; but she escaped from Inspruck, where she was confined, in men's clothes, and repaired to Bologna, where the ceremony took place while the pretender was in Spain. A few days after she went to Rome, where she was kindly received by the pope, and remained under his care till joined by her spouse.

for whatever augmentation of sea or land forces the exigence might require. A bill for circumscribing the royal prerogative in the distribution of honours, which was at the time attributed to a wish to punish the heir apparent, did not meet with so favourable a reception. The ostensible reason was to prevent the recurrence of a promotion similar to what had taken place in the latter years of queen Anne ; it was therefore proposed to limit the peerage in such a manner that the number of English peers should never be augmented beyond six above their then present number, which was to be kept up by new creations upon the extinction of the heirs-male ; and that instead of sixteen elective peers for Scotland, twenty-five should be made hereditary, whose number, upon any title becoming extinct, was to be supplied by some other Scottish peer. The measure was introduced into the house of lords by the duke of Somerset, seconded by the duke of Argyle, now lord steward of the household, and a message from the king, while the subject was under debate, declared his willingness to waive his right in any case which might be thought to interfere with the dignity of the house of lords. While the measure itself went to establish an unalterable aristocratic council, which would soon have either usurped the whole power of the executive, or been driven from their chamber by the commons, it was peculiarly unjust to the Scottish peers, all of whom, except the twenty-six, would thus have been placed in a worse situation than any other subjects, and deprived both of the power of representing or being represented ; and besides it could not be effected without a breach of trust on the part of the present representatives, who must divest their principals of a power secured to them by the act of union, and intrusted to their guardianship. The subject was long debated, but resolutions conformable to the motion were agreed to by a large majority.\*

\* The resolutions about the Scottish peers were, I. That in lieu of the sixteen elective peers to sit in this house on the part of Scotland, twenty-five peers, to be elected by his majesty, shall have hereditary seats in parliament, and be the peers on the part of the peerage of Scotland. II. That such twenty-five peers shall be declared by his ma-

No "self-denying ordinance," however, had any chance now of passing smoothly through the commons, and public opinion, too, was universally against it. When it was about to be read a third time, earl Stanhope observed, "that as the bill had made a great noise, and raised strange apprehensions; and since the design of it had been so misrepresented, and so misunderstood, that it was like to meet with great opposition in the other house, he thought it advisable to let the matter lie still till a more proper opportunity." The reading was accordingly deferred, and the session being closed in four days after, it was dropped. Next session it passed by a great majority in the upper house, but was thrown out by one equally decisive in the lower.

With the failure of the Spanish expedition the Scottish jacobites wisely laid aside, for the present, the idea of raising any commotion; but Lockhart, who was always willing to attribute blame any where except to the pretender himself, to prevent a repetition of blunders similar to those hitherto uniformly attendant on all correspondence with him, proposed to establish some medium through whom a communication with James might be carried on in such a manner as would secure his secrets from being prematurely disclosed, and such an unity among his friends that proper schemes might be executed and

jeffy before the next session of parliament. III. That nine of the said twenty-five shall be appointed by his majesty, to have immediate right to such hereditary seats in parliament, subject to the qualifications requisite by the laws now in being. IV. That none of the remaining sixteen so to be declared by his majesty, or their heirs, shall become sitting peers of the parliament of Great Britain, till after the determination of this present parliament, except such as are of the number of the sixteen peers now sitting in parliament on the part of Scotland and their heirs. V. That if any of the twenty-five peers so to be declared by his majesty, and their heirs, shall fail, some one or other of the peers of Scotland shall be appointed by his majesty, his heirs and successors, to succeed any such peer so failing, and every peer so appointed shall be one of the peers on the part of the peerage of Scotland in the parliament of Great Britain, and so *toties quoties* as often as any such failure shall happen. VI. That the hereditary right of sitting in parliament, which shall accrue to the twenty-five peers of Scotland to be declared by his majesty, shall be so limited as not to descend to females.

pursued, and much mischief prevented. He suggested that a committee should be "empowered [by the king] to overlook his affairs, and give such directions as should be found necessary." With the approbation of the titular bishop of Edinburgh, he submitted his plan to James, who agreed to the proposal, but would grant no formal powers, though he named the earls of Eglinton and Wigton, lord Balmarino, the bishop, Paterson of Preston-hall, captain Straiton, Henry Maule, lord Dun, Fotheringham of Powrie, Glengarry, and Lockhart himself, as trustees.\*

Before this list arrived, the bishop of Edinburgh, "to the irreparable loss of the king, had departed this life," which produced a correspondence between their papistical head and the nonconformist episcopalians, which tended to place neither in any very elevated point of view. Having no time to consult, the college of bishops elected one Fullarton to the nominal see of Edinburgh, with the equally substantial rank of "primus" of the Scottish episcopalian church; with this James cordially acquiesced, and added the new bishop's name to the

\* Lockhart's son, who was on his travels, and delivered his father's letters to the pretender, shows but a very slender degree of respect for "the king." From a letter dated Rome, although very guardedly worded, it is easy to perceive that he considered correspondence with him degrading to a gentleman, and dangerous for a partizan. "I had almost forgot to tell you," says he, "that at parting, [the king] desired me to make his compliments to you, and that you would write frequently to him, and that he expected you would also in general acquaint him of such stories as were writ home and spread abroad in order to divide his friends and lessen the good opinion people had of his servants here. To this I made a bow, but no answer, as I did not well understand his meaning, and won't allow myself to believe he'd have any of those gentlemen turn tale-bearers and tattlers. Murray mentioned the same thing more fully to me; and I answered, I was persuaded these gentlemen would do the king all the service they could, but that many stories were told not worth the reporting or taking notice of. I should think myself much to blame, did I not communicate to you, that to my great surprise I find col. Hay is let into the story of Argyle. How far that is consistent with your inclinations and the king's promise I know not. I am afraid it proceeds from a mistake in his believing that himself and his servant are but one and the same person; however that be, you will act in it as you judge most safe for your friend and yourself." Lockhart Papers, vol. ii. p. 27-8.

list of his trustees, but equally jealous with his father of any encroachment upon his sacred prerogative, he informed them, that with regard to future promotions, he would deem it equally for his service and the benefit of their church, that notwithstanding the distance between them, they should propose to him, before proceeding to consecrate them, such persons as they might think most worthy to be raised to that dignity, promising to pay every attention to their wishes. Which regard he was not long in evincing, by nominating, without any reference to them, a Mr. Freebairn for a bishop, and directing them forthwith to consecrate him. The college, who thought they should have been consulted, hesitated about "laying hands" on their proposed brother, as "they did not think him adorned with those qualifications of learning, good sense, and the like, so necessary in one of that station, besides, he was in no reputation either among clergy or laity,"\* and this gave rise to a dispute, that in other circumstances might have been of serious national import, but which only tended to split a party sufficiently insignificant when united.

Nor could the chevalier preserve concord, so necessary in his own petty court; with a kind of hereditary instinct, he promoted the most servile sycophants of his retainers to his confidence, while those who had suffered most in his cause, and were best able to promote it, were forced to withdraw from his councils. About this time Mar was thrown into shade, and Mr. Murray introduced into the cabinet. Immediately the appointment of the trustees, which was intended to be a profound secret from every one but those immediately concerned, was spread abroad, and occasioned new dissensions among his friends; Seaforth and others who had been left out, thinking themselves neglected, while those who had been honoured with a place were not so highly elated with the distinction, but that they would willingly have resigned it at a moment's notice. From about this time, Mar, Seaforth, and the more discerning among the pretender's hangers-on, began to look towards their na-

\* Lockhart's Papers, vol. ii. p. 49.

tive country, and endeavour to procure reconciliation with the existing government.

The laird of Carnwath continued notwithstanding, devoted to the re-establishment of the hereditary despotism of the exiled family with a spaniel-like fondness for passive obedience; and every public calamity, and every returning election excited fresh hopes, and suggested new schemes. The South Sea bubble which occasioned such wide desolation, he expected to terminate in some explosion favourable to his views, and every advance made to him by tory noblemen, or by rivals in a contest either for a place among the "fifteen" or the "forty-five" was instantly construed into an inclination to restore the "lawful king," without whom he could see no probable prospect of repose for his country. Both he and the pretender had with great reluctance been forced to give up the duke of Argyle as hopeless, when the young duke of Hamilton presented himself as an equally, if not more desirable acquisition to the party, and with regard to him the laird of Carnwath was no less sanguine, apparently it must be confessed with better reason, for Hamilton acted as one of the trustees, or at least was present at some of their meetings.\* Lockhart had at the same time entered into a negotiation for uniting the English and Scottish tories in the service of James. Unluckily, however, all his fine laid plans usually ended in promoting some selfish end of the tories, who, after they had answered their purposes and served themselves of his zealous credulity, left him to lament some untoward accident that had frustrated his almost accomplished design; or the superior allurements which the possessors of power could present to young ambition, that deprived him of the aid of some promising leaders. While Scotland presented this cheerless aspect to the pretender, the foreign courts, from their relations with Britain, were not now more promising; Spain was forced to accede to the quadruple alliance; Ulrica, the sister of Charles, who succeeded to the throne of Sweden made an offensive and defensive treaty with king George, and under his mediation concluded a

\* Lockhart's Papers, vol. ii. p. 77.



peace with Denmark, which next year extended to Russia, and an article in all the treaties was to acknowledge George as king of Britain, and refuse support to the cause of the pretender.

England, during the years one thousand seven hundred and twenty, and one thousand seven hundred and twenty-one, was wholly engrossed by the south sea mania, which nobody understood, but from which every body expected an incalculable increase of wealth. Fortunately for the morals of the country, the delusion soon came to an end; while it lasted, according to the report of their own clergy,\* luxury, vice, and profligacy increased to a shocking degree of extravagance. The adventurers, intoxicated by their imaginary wealth, pampered themselves with the rarest dainties, and the most expensive wines that could be imported; they purchased the most sumptuous furniture, equipage and apparel, without taste or discernment, indulged their criminal passions to the most criminal excess; their ostentation was ridiculous, their pride insufferable; in their discourse they affected to scoff at religion and morality, and even to set heaven at defiance. Scotland, during the same period, was deeply engaged in discussing a long disputed theological question,—“Whether works are to be considered in whole or in part as constituting the ground of man’s justification before God: or whether they are the fruits of the faith of the gospel—the evidences of his being in a justified state?” This question originated in the decision of the general assembly, confirming the sentence of their commission about the Auchterarder presbytery’s proposition. Mr. Boston, minister of Ettrick, who stood among the highest of the evangelical party, and thought the presbytery’s proposition sound, but “perhaps not well worded,” had, in visiting his parishioners, found in the house of one of them who had been a soldier in the civil war, “The Marrow of Modern Divinity,” which he considered as setting the difference between the law and the gospel in a clear point of view, and well adapted

\* Debate in the house of lords on the bill against atheism and immorality.



for directing to the true way of obtaining gospel holiness." Having praised it strongly to some of his brethren, Mr. James Hog, minister of Carnock procured a copy, and being equally delighted, republished it, accompanied with a commendatory preface.\* On which principal Haddow of the new college, St. Andrews, the chief of those termed legalists, attacked it vehemently as antinomian in a sermon he preached before the synod of Fife, and published under the title of "The Record of God, and the duty of Faith required therein," and a controversy ensued, that brought the subject under the notice of the general assembly, 1719. They, on rising, instructed their commission to inquire and report; the commission appointed a committee,—composed chiefly of those who had condemned the Auchterarder propositions,—especially to examine the obnoxious work, and bring an overture respecting it before the next assembly.

This the committee performed, and, having picked out a number of disjointed passages, they easily gave such a representation of the book as made it seem to countenance errors it was intended to counteract; and the venerable court, thus imposed upon by their report, were induced to condemn a production the majority of them had never read! In an act, passed May 1720, they prohibited and discharged all ministers from recommending, either by preaching or printing, the said book, or in discourse to say any thing in favour of it; but, on the contrary, enjoined and required them to warn and exhort their people not to read or use the same; yet this was a book which Caryl had recommended, and a number of the most eminent Westminster divines had highly praised!

The act of assembly gave great offence to a number of the evangelical ministers, and excited among the people an un-

\* The Marrow, first published 1646, was written by Edward Fisher, the son of a knight, educated at Oxford, where he took the degree A. M. and was esteemed an admirable oriental scholar. It is somewhat remarkable, that the whole Second Part, or larger half of this book, which was pronounced antinomian, is employed to enforce the obligation of the moral law upon believers as a rule of life.

common desire to peruse the denounced treatise, so that in a short time it was in every body's hands, and became the object of universal discussion. Mr. Boston, after in vain endeavouring to interest the presbytery of Selkirk in what he considered the cause of truth, conjointly with Mr. Wilson of Maxton and Mr. Davidson of Gallashiels, wrote to Mr. Hog, who, communicating with Messrs. Ebenezer and Ralph Erskine, and several of his friends, they agreed to lay a representation before the assembly stating their objections to the act;—as condemning the doctrine of free grace—the offering Christ as a Saviour to all men, or to men as sinners in virtue of the Father's gift—the appropriation and assurance of faith, and the maintaining that believers are fully delivered from the commanding and condemning power of the law as a covenant of works; and as asserting our holiness to be a federal or conditional means of our obtaining everlasting life—and that slavish fear of everlasting misery and legal hope of future blessedness ought to influence believers in their study of gospel holiness;\*—and humbly craving its repeal.

The assembly, 1721, before being dissolved, which they were abruptly on account of the indisposition of the commissioner, the earl of Rothes, referred it to the commission, to examine the subscribers, and to prepare the matters concerning doctrine to be laid before the next assembly. The representers were in consequence repeatedly called before the commission, who adhered to the act of assembly, while they as firmly defended their own representation, and the result was, that the latter received twelve queries to answer. Although they deemed this proceeding irregular, they gave in full and explicit replies, “which form,” says a late writer, “one of the most luminous pieces of theology in latter

\* This representation was signed by twelve ministers, commonly styled by the other party “the twelve apostles,” Mr. James Hog, Carnock; Thomas Boston, Ettrick; John Bonar, minister, Torphichen; James Kid, Qucensferry; Gabriel Wilson, Maxton; Ebenezer Erskine, Portmoak; Ralph Erskine and James Wardlaw, Dunfermline; James Bathgate, Orwell; Henry Davidson, Gallashiels; William Hunter, Lilliesleaf; and John Williamson, Musselburgh.

times, and a most masterly and accurate exhibition of the leading truths of the gospel.”\*

These answers, which were quashed by the committee, and never properly read in the assembly, were printed and published, and produced a great effect upon the people at the time. They were, however, lost upon the assembly, who passed, 1722, a long act explaining that of 1720, but at the same time confirming it; and ordained the several presbyteries, synods, and commissions, to see it punctually observed by all ministers and members of the church; and because of the injurious reflections contained in the representation, ordered the representers to be admonished and rebuked by the moderator, which was done accordingly. The twelve brethren, after receiving the rebuke and admonition “with all gravity,” presented a protest by the hands of Mr. Kid, and took instruments; but the assembly would not read it nor record it, and quickly closed the sederunt. So completely had the “Mar-row business” engrossed the attention of the assembly, that little of public concern was transacted except the usual routine, overtures, and acts respecting the growth of popery, planting of kirks, &c. &c. I have therefore related without interruption the whole of this controversy, that the reader might have a complete view of it at once. I now revert to some acts worthy of record, which passed while these matters were under discussion.

Previously to 1718, the widows and orphans of ministers left in destitute circumstances had depended upon the precarious bounty of their friends or the public, with a little occasional aid from the church. That year the first regular fund for their relief was instituted, and all the ministers were required to contribute one tenth of their yearly stipends to form a stock, the interest of which only was to be distributed; any other charitably disposed person was invited to contribute to the design, and all contributing above ten

\* Brown’s Gospel Truth, &c. p. 28, a work which contains a full account of this controversy.

pounds sterling were to have a vote in the management. The kindness they expressed towards the suffering protestants of Lithuania, present a more amiable feature in the proceedings of the assembly 1720 than their polemical disputes. Nor were the feeling and liberality of the country less conspicuous; upwards of four thousand pounds sterling were collected in the different parishes on their behalf, and several of their students were appointed to be educated upon the bursaries appointed for the assistance of their own. They ordered also collections, and relieved a number of sailors from slavery among the Algerines, although at the time they were in debt, by their agent's account, the sum of five hundred and sixty-seven pounds.\*

It deserves to be noticed, that the king had expressed his wish this last year that the whole of his presbyterian subjects

\* The reader will have some idea of the wretched condition of these captives, from the following extract of a letter received by the moderator from some who were delivered. " Sir,—I was master of the Scots ship taken by the rovers of Salee, in the latter end of the year one thousand seven hundred and nineteen. My crew and I, eleven in number, were stript of our ship, goods, clothes, and all we had. We were carried prisoners from Salee to Mequinez, the capital of that country, where the emperor of Morocco, Mulley Ishmael, resides. We lived there in inexpressible misery for above twenty-one months. We were put to very heavy labour, naked and destitute of all earthly comforts, other than coarse bread, fourteen ounces to each man in twenty-four hours, and water where we could find it. We were insulted, affronted, and beat, without a fault, but only for the diversion of our cruel persecutors, who treated us with more inhumanity than they did their cattle, chiefly because we were Christians. We observed the fatal effects of tyrannical government in daily spectacles of human gore, both of Christians and subjects, all slaves. We saw their prince destroy with his own hand, and order to be destroyed, multitudes of his unhappy subjects and slaves, without any form of trial, probation, or sentence, other than a word from his mouth, and often a sign with his hand, which received immediate execution, without allowing the party condemned so much as a hearing, or to go to his devotion in their own way. We observed that the policy is to govern by terror, and the consequence is, that no one is secure of his life, liberty, wife, children, or estate, for one minute. I could condescend upon a thousand instances of barbarity and tyranny which my fellow captives and I, above four hundred in number, from Britain and Ireland, saw and felt durin our miserable abode in that unhappy

might be released from the sacramental test, and was only prevented from bringing the matter before parliament by a message, by being assured that the bigotry of the episcopalians would not allow any such measure to pass. The English non-conformists, out of respect to his majesty, did not press the subject; and the Scottish church showed equal delicacy in not urging the redress of a grievance which his majesty had shown his inclination, but discovered his inability to procure, especially as they had been relieved from the abjuration oath.\*

March sixth, one thousand seven hundred and twenty-two, the first septennial parliament was prorogued, and shortly after dissolved; as usual, the approaching election set all the jacobites in motion and in high spirits; but the measures of the ministry had been so wisely taken, that, except a little manœuvring with the Scottish peers, the whigs quietly carried the day throughout Scotland. Early in October the new parliament met, and were informed by his majesty's opening speech, that a dangerous conspiracy had been for some time formed, and was still carrying on against his person and government in favour of the pretender. Some of the conspirators, he told them, were already secured, and endeavours using for apprehending others; and he referred to their wisdom the measures necessary to be taken for the safety of the kingdom. The alarm this communication occasioned was so great that the habeas corpus act was suspended for a whole twelvemonth, and a considerable augmentation of forces immediately voted. Yet after all, the terrible plot, when carefully examined, afforded little cause for alarm; it contained in its

country, but I dare not weary your patience." He then at great length expresses his gratitude for his deliverance and that of his fellow slaves, and mentions, to the shame of the civilized world, that they had left above nine hundred Christian slaves of other nations in a disconsolate deplorable condition, besides upwards of fifteen hundred renegadoes.—It is signed ALEXANDER STEWART, Master, on behalf of himself and his crew.

\* Register of the Gen. Ass., MS. Tindal, b. xxvii.

bosom several contradictory circumstances, which led some to suppose that it was altogether a fabrication, nor did it at most turn out to be more than an ill-digested scheme discovered in embryo.

Various persons, however, of high distinction, were apprehended on strong presumption of their concurrence in this conspiracy, among whom were the duke of Norfolk, and the lords Orrery, and North, and Grey. In confirmation of the plot, a declaration of the pretender was laid before the house of peers. It was addressed by him, as James III. king of England, Scotland, and Ireland, to "all his loving subjects of the three nations, and all foreign princes and states, to serve as the foundation of a lasting peace in Europe. To accomplish which desirable purpose, he very modestly proposed;—"that if king George would quietly deliver to him the possession of the throne, he would in return bestow upon him the title of king in his native dominions, and invite all other states to confirm it!" To induce his rival's compliance with so reasonable a request he told him;—"that in Hanover his incontestable right to the crown would free him from the crime and the reproach of tyranny, and represented the delight of a calm undisturbed reign over a willing people, contrasted with a restless possession in a strange land, where authority forcing the inclinations of the folks could only be supported by blood and violence, eternally subject to fears and alarms." His majesty was not however so much enamoured with the liberal offer as to accept it, and the lords with great gravity voted it "the height of presumption and arrogance in the pretender to make any such proposal."

The trial of Atterbury bishop of Rochester, who was implicated, excited the public interest beyond any of the circumstances connected with this affair. The evidence against him was legally defective, and the tories considered the church as insulted in the person of the bishop, against whom it was urged that no accusation ought to have been received except upon the oath of two witnesses, and his defence was most ably conducted; but he was, by a bill which passed

both houses by great majorities, deprived of his episcopal dignity, and sentenced to perpetual imprisonment.\*

To defray the extraordinary expensès incurred by the dread of this conspiracy,—for a camp had been formed in Hyde Park, and the usual precautions adopted,—a bill was brought into the commons to raise one hundred thousand pounds upon the estates of the Roman Catholics, as it was a notorious fact that they were always the most forward to contribute money for promoting the pretender's schemes; it passed, along with another to oblige all persons, being papists, in Scotland, and all persons in Great Britain, refusing, or neglecting to take the oaths appointed for the security of the king's present government, to register their names and real estates. The last of these acts gave considerable uneasiness to those Scottish jacobites, who had any small remains of a conscience left about them, but their number was few, the greatest part were prepared rather to swallow the oaths than expose themselves and their families to hazard, or to use the periphrastic language of Lockhart, were “inclined to venture themselves into the hand of God rather than of such men as wee have to doe with.”†

His majesty, who had been detained in England by the conspiracy last year, as soon as the session terminated, embarked for his German dominions, leaving a regency appointed of lords justices, from which the prince of Wales, on account of a quarrel with his father, that had subsisted for some time, was excluded. It was remarked that the lord Harcourt, who had so strictly united with Oxford, and the other ministers of queen Anne, was one of the justices; through his means Bolingbroke obtained a pardon, and having arrived at Calais, on his way to England, where Atterbury had come on his road to Paris, the latter pleasantly remarked, “they were just exchanged.” The lords who had been imprisoned on account of the plot were set at liberty immediately upon the rising of parliament.

\* Tindal, book xvii.

† Lockhart's Papers, vol. ii. p. 168.

A season of tranquillity followed; and to judge from the periodicals of the day, the nobility of Scotland returned with renewed zest to their usual country sports. Horse races continued one of their principal amusements, although the spirit of party, which pervaded every thing else, extended likewise to them. In an advertisement, announcing a plate to be run for, given by the town of St. Andrews, the course was declared free to any horse, mare, or gelding, carrying eight stone weight, "except such as shall belong to Mr. Lockhart of Carnwath."\* Several of the gentry and nobility, however, engaged in more useful endeavours to enhance their property. An attempt was made to work some copper mines in Mid-Lothian, and a few very fine specimens of copper were obtained, but owing to the poverty of the vein, or the unskilfulness of the workmen, the produce was not such as to encourage a prosecution of the design. The truest mine of national wealth, the cultivation of the soil, was more perseveringly pursued, and with better success, although the progress for many years was but slow, and at its commencement accompanied with a number of very untoward and disagreeable circumstances, from the unsettled state of the country, the ignorance of the parties, and not seldom from the rapacity of the landlord and the stubbornness of the tenant.

Till lately the whole country almost, particularly the southern districts, had been like one wide common, where the boundaries of the various proprietors were with difficulty ascertained; the quantity of arable land was considerable, but extremely subdivided, and the mode of farming only a few degrees removed from the most primitive rudeness. Now the fields began to be enclosed, and the attention of gentlemen was so much directed to rural affairs, that a society for the improvement of agriculture was formed at Edinburgh in the year one thousand seven hundred and twenty-three, comprehending some of the chief

\* Caledonian Mercury and Edinburgh Courant, 1723-4.



names in the land, which held its first meeting at Gray's House, Hope Park, on the twenty-third day of July. But the short leases, the kail, the services exacted from the tenantry, and the burdening them with the ever varying cess, operated as so many weights on improvement, which the landlords, who did not yet see their own profit in the wealth of their tenants, had hitherto increased instead of attempting to remove. Indeed, it is scarcely possible to imagine any system more injurious, both to landlord and tenant, than what was pursued in Scotland at this period, and of which the crowning sheaf was what was called "due service." By this the former could oblige the latter to plow his grounds while engaged in sowing his own, or to reap his fields and let his own stand, though over ripe and shaken with the wind; yet no deduction could be claimed, or was almost ever allowed, though the tenant's harvest should have entirely failed through the landlord's rigorous and absurd exaction.

Enclosures for arable land were late in being used even in the Lothians. They appear first to have been introduced in the south about this time, when the high price which Scottish beeves brought in the English market induced a number of the Galloway proprietors to devote great part of their estates to pasturage, to turn several small corn farms into one large grazing farm, and to surround them with fences to prevent the herds mixing. This practice, which for some years had been gradual, and had been productive of much individual emolument, excited a spirit of rivalry, but reduced the poor industrious tenantry to the most distressing condition, upwards of sixty of whom in some parishes, and thirty in others, received warning to remove at Whitsunday one thousand seven hundred and twenty-four, without any prospect before them but the open fields for a habitation for themselves, their wives, and their little ones, where their substance, exposed to the elements, would be dispersed and wasted.

The dispossessed, many of whom had lived upon the same portions for generations, and were totally unacquainted with any other method of obtaining a livelihood, for whom

there was no opening either by trade or emigration,—distracted by the cries of their women and children, rose tumultuously in the county of Galloway, and destroyed the enclosures. The abstract justice of their published reasons, it would be no easy matter to controvert;—“they declared that it was neither from motives of rebellion to the king’s person, government, or succession, nor to break the bonds which God had appointed, and the law of nature taught to be due from inferiors to superiors; neither was it to aspire to any higher station than what by the good providence of God pertained to them formerly, that they resisted. But they had thrown down some of these depopulating enclosures as contrary to the word of God, which forbids all oppression;\* as dishonourable to the king, who, having delivered them from the tyranny of foreign enemies, should leave them to be beggared and born down by their fellow-subjects; and as destructive of the strength of the kingdom, by allowing whole baronies and country sides to be laid waste for the private interest of a few particular men.”†

\* In support of this position their defenders quoted Nehem. chap. v. verse 8—11, and adduced the conduct of the nobles of Israel as an example to the Scottish landed gentry; for the former “had made a fair bargain with their brethren, yet gave it up frankly when it was known to be oppressive to their brethren.”—*News from Galloway; or, the Poor Man’s Plea.* Ed. 1724.

† The jacobite proprietors urged on the plan with their usual intention of producing misery and discontent. “Basil Hamilton cast out thirteen families, upon the 22d day of May instant, who are lying by the dyke sides, neither will he allow them to erect any shelter or covering at the dyke sides to preserve their little ones from the injury of the cold.” “By the enclosures of the said Mr. Basil Hamilton, there is no less than twenty-eight plough stils of arable ground parked round Kirkcudbright, within six or seven miles in breadth or length. And where complaints of this usage have been made to some of them, [the proprietors] they answered, ‘drive them into the sea;’ ‘or let them go abroad to the plantations;’ ‘or let them go to hell.’ Surely this is no less than oppression, punishment, or persecution, from our native country, at the pleasure and for the private interest of some men.”—*An Account of the Reasons of some People in Galloway, their Meeting, &c.* When we recollect that these people, or their fathers, had been the strength

That private should yield to public advantage is a question easily decided when the poor are required to submit; but when landlords are requested to forego a little of their accustomed indulgence for the good of the community, the axiom is not considered as quite so indisputable. The sufferers in this case, who behaved with a moderation which could scarcely have been expected,\* were libelled as levellers; and even the general assembly thought they, rather than those who turned them out, required admonition. They therefore, in a warning, “obtested the people, as they had regard to the commands of God, the eternal salvation of their souls, as well as the safety of their bodies and families, to desist from such practices in time coming, and live quietly and orderly in submission to the laws of the land, and to their rulers, who are the ordinance of God; and particularly in loyalty and obedience to their protestant sovereign king George.” And as it was alleged, that among the grounds of a fast the sin of enclosing had been stated—a charge, however, repelled as untrue—“all ministers were admonished in their sermons, prayers, or private conversation, to beware of any expressions that might seem in the least to justify such practices, or to alleviate the guilt of them, or that might be interpreted to import that any sufficient ground had been given to commit such abuses. And it was recommended to the gentlemen who had been injured to use the greatest tenderness towards a misled poor people, in order to reduce them to their duty.” What effect these admonitions had stands not upon the record; but the introduction of a military force dispersed the unarmed crowd,

and the stay of the protestant interest, that they had suffered so severely for their adherence to the religion of their country, while their landlords had been persecutors, and were jacobites,—it is impossible not to sympathise in their disappointment, when we see them, at the end of the struggle, when they expected to sit at peace every man under his own vine and fig tree, turned houseless to the elements, to beg or to steal as they best might; and if we cannot approve, we scarcely can condemn the disorderly conduct of men driven almost to despair.

\* They seized a quantity of smuggled brandy, which they faithfully delivered to the custom-house officers at Kirkcudbright.

and restored tranquillity to the country,—such a tranquillity as now reigns among the extended sheep-walks of the highlands.”\*

A grievance exactly opposite existed in the management of the corn farms, there the subdivisions were complained of, and a set of middlemen who took leases of large quantities of land, and letting it out again in smaller portions at advanced rents, rendered the petty tenants incapable of enclosing their parks. What also contributed to retard improvement was, that at this time, notwithstanding every disadvantage, owing to three successive years of uncommon plenty, more corn was grown than could be consumed in the country, which led the Society for Improving Agriculture to adopt the resolution that they would sip no brandy or foreign spirits, in order to promote the consumption of home-made liquors, ale and aquavite.†

Most inopportunately, while crops rotting on hand, and the consumption of foreign liquors happened to be popular topics of complaint, about the latter end of 1724, a resolution passed the house of commons, for laying an additional duty of sixpence per barrel on ale brewed in Scotland, instead of the malt-tax, and for taking away the bounty allowed upon the exportation of grain. The country gentlemen, who saw in this measure nothing but ruin, were violently incensed against it. And all parties forgetting their differences, agreed to unite in opposing what they considered so pernicious. Meetings were called in the shires, addresses were voted to parliament against the bill, as infringing

\* Tracts Bib. Facult. Edin. Courant, and Mercury, 1723-4; Min. of Gen. Assemb. MS.

† The use of foreign spirits had become the subject of loud complaint: “among other things,” says one of the grumblers of the day, “the brandy so much of it coming in doth great hurt, it is now turned so plenty and common that no person of quality can sit in any publick alehouse unless they have brandy. Also if any man, though never so poor, desire a consultation of any lawyer, advocate, or procurator, or writer of the meanest sort, ye shall not have his countenance to consult your business, unless ye give him brandy; ale or aquavite is disdained, we are so infatuate and in love with our own ruin.” Grievances and complaints of the poor commonality of Scotland.

ing materially the articles of the union:—which expressly provided that the bounty upon exports should be the same in both countries, whereas by the proposed act, grain, the growth of Scotland, would be excluded from any premium, while the produce of England would still be entitled to it; and instructions sent off to the representatives to oppose it to the utmost of their power.

The malt-tax, though extended to Scotland, had hitherto been a dead letter, and in the hope that it would still so remain, the freeholders of Edinburgh wrote to the lord advocate, Robert Dundas of Arniston, their representative:—"We were in hopes that the same reasons which moved our neighbours in England to connive at the duty on malt not being exacted in Scotland for the time by past, would have still prevailed with them to ease us of that heavy burden, but seeing the public service doth require a further demand of supplies upon this part of the kingdom, we would much rather have the duties upon malt imposed and exacted at the same rate, and in the same manner as in England, than have a precedent laid down for unhinging of the union, which is a necessary consequence of that motion." Besides these addresses and instructions, numerous private letters were written to the Scottish members by their friends, inveighing strongly against their supineness, and exhorting them strenuously to oppose a plan so pregnant with mischief; they accordingly waited upon ministers, and stating the universal opposition of the nation, it was agreed to withdraw the duty from the ale, and substitute the tax upon malt as had been suggested, only in consideration of the inferiority of Scottish grain, rating it at threepence per bushel, half of what the English paid, but this it was determined to enforce, the revenue of Scotland scarcely being adequate to its expenditure.\* At the close of the

\* Lockhart sarcastically alleges that bribing the nation's representatives was no small item in the account. "The charges of subsisting the Scots members of parliament," says he, (who consisted of a parcel of people of low fortune, that could not subsist without their board wages, ten guineas a-week during the session,) "became a burden upon the

same session of parliament, an act was passed enforcing that of one thousand seven hundred and fifteen, for disarming the highlanders, with several additional and severe regulations.\*

Exceedingly disappointed by an arrangement which promised to render exigible a tax they had no idea of paying, the discontent among the brewers, who were in general also maltsters, became general throughout Scotland; but upon an application to the court of session by those of Edinburgh, an act of sederunt was passed by their lordships, authorising them to raise the price to retailers, from eighteen pennies (or three halfpence sterling) per Scottish pint, to twenty pennies; and they again, to raise the price to the public from twenty pennies to twopence sterling, which, it was computed, would yield the brewers eightpence more than the amount of the malt-tax per boll. With this adjustment, which threw the burden upon the consumer, the Edinburgh brewers were perfectly satisfied; till after a conference with some delegates from their brethren in the country, they resolved to elude payment of the duty, and thus force the government to withdraw the tax; and this they intended to effect by entering their malt to avoid the penalty, but to desist from brewing to avoid the tax.

A false report, either originating from a misstatement of these proceedings, or from the fertile brains of the jacobites, was industriously disseminated, by hired emissaries, that the whole royal burghs of Scotland had come to a resolution not to pay the malt-tax, and was productive of very serious consequences in the west.

June the twenty-third one thousand seven hundred and twenty-five was the day on which the act was to take

government, so that Walpole plainly and frankly told these gentlemen when they applied to him, 'that they knew what money was raised and how applied in Scotland, and they must lay their account with tying up their stockings with their own garters.' Thus, for supporting a parcel of corrupt locusts the country must be oppressed." Lockhart's Papers, vol. ii. p. 141, *et seq.*

\* Statutes at large, vol. v. p. 546. Lockhart's Papers, vol. ii. p. 137, *et seq.*

effect. For some days previous there had been rumours in Glasgow that the house of Mr. Campbell of Shawfield, their representative, against whom they were enraged for his not opposing the bill, would be visited, and that the officers would be resisted, in that city, whose success was to be the signal for an universal opposition; yet no precautions were used by the magistrates (two of whom left town it was supposed intentionally) to prevent the threatened mischief, although general Wade had sent two companies of soldiers to assist in suppressing any appearance of riot. Accordingly, when the officers on that day were proceeding to survey the stock of malt on hand, they found the streets filled with loose disorderly people, which rendered it unsafe for them to demand access, until they should be supported; the same tumultuary assembling continued on the twenty-fourth, but no mischief was done, nor violence offered, till, upon the arrival of the military, the mob forcibly turned out the town-officers who were preparing the guard-room for their reception, locked the doors and carried off the keys. The troops who had been drawn up in the street ready to enter, being thus denied admission, captain Bushel, who commanded the detachment, proposed to the provost, Charles Miller, to break open the doors; but he pretending, or believing that this would irritate the mob, refused, and advised the officer to order his men into quarters, as the only expedient that remained for their safety; to this advice Bushel readily acceded, for the troops were tired with a long fatiguing march in rain, and no other shelter was offered.

Having disposed of the soldiers, the provost, with Campbell of Blythwood, the dean of guild, and some of his friends, waited in the town-house till near nine o'clock, and then adjourned to a neighbouring tavern. About ten the party was disturbed with the unwelcome news that the mob had re-assembled in greater numbers, and were pulling down Mr. Campbell of Shawfield's house, situate at the extremity of the town. Upon their arrival there they found a large assemblage armed with fore-hammers, clubs, and other formidable offensive weapons, assailing the house;

these, after a long conference, the gentlemen prevailed upon, partly by entreaties, and partly by threats, to desist; but a fresh re-enforcement arising, they gave up their peaceable intentions, and fell anew to the work of destruction. When near twelve o'clock at night, captain Bushel sent to the lord provost, offering to come to his assistance, which offer the provost expressed his willingness to accept, provided the soldiers could be collected without danger; but when he understood they were all in bed and billeted in houses at a distance from each other, he declined calling them out, lest they should be disarmed one by one before they could reach the rendezvous.\*

The rioters were in consequence left in full possession of the field, and carried off, or rendered useless, every article of value they could lay their hands on in Mr. Campbell's house, broke the windows, tore up the floors, and totally dismantled the house itself; while a number of the lower vagabonds were quaffing the contents of the wine cellars, or having forced their way into the garden, were demolishing the images with which it was ornamented.

Next morning the mob, apparently satisfied with the demolition of Campbell's house, were quieter; and the provost adventuring to break open the guard-room doors, gave the troops possession, and even assumed courage to seize and commit to prison some of the rioters. But this act irritated the populace, who were still unsettled, and many of them drunk; and a woman, or a man in woman's clothing, having got hold of a drum, beat a reveille through the streets. Immediately an immense crowd collected to rescue their friends, and attack the soldiers, and marched direct to the guard, where they assailed the troops so violently with stones and brick-bats, that they, after firing ineffectually, with blank cartridge to intimidate, were forced, in self-defence, to resort to ball, by which a few were killed, and several wounded.

Enraged still more, the mob flew to the town-house, broke open the doors, seized the arms, and rung the alarm bell,

\* Culloden papers, addenda, p. 343.



all the while threatening that they would not leave a soldier alive. Terrified at the infuriated rabble, the provost sent a message to captain Bushel, to entreat him to leave the town for the present, as the best means for his own preservation and quieting the tumult; and the officer whose directions were to receive orders from the provost, immediately complied. On his way to Dunbarton castle, he was followed for about six miles by the crowd, upon whom he repeatedly faced about and fired, by which some of his pursuers were wounded, and some fell: two of the soldiers who were indisposed, and unable to keep up with their comrades, were seized and carried by the people back to Glasgow, where one made his escape, but the other, who had been rather roughly handled, was carefully nursed till he was able to rejoin his regiment; and it reflects no small credit on the populace, that although infuriated by the death and wounds of so many of their relatives, no greater vengeance was taken on the invalids. General Wade who happened at the time to be in Edinburgh, acted with the utmost promptitude; he ordered two regiments of dragoons to be forthwith taken from the Grass,\* and marched to the neighbourhood of Glasgow, along with a considerable body of foot, and a train of artillery sufficient to overawe the rioters. Duncan Forbes, king's advocate, accompanied this expedition, for the purpose of taking a precognition, upon which he committed several of the inferior agents to stand trial for felony; and afterwards proceeded to incarcerate the magistrates for having, by their conduct, favoured and encouraged the mob.

This latter commitment occasioned much dispute as to its legality. The lords of justiciary had decided that the king's advocate, since the union, had not that power; and indeed his lordship himself seems to have doubted it, as he issued the warrant not only in his character of advocate,

\* It was the custom then to turn the cavalry horses out to graze when not on actual duty, which sometimes rendered their assembling a tedious operation on an emergency.

but also in his capacity as one of the justices of peace for the county of Lanark. They were however sent off to Edinburgh under a guard, and after resting at Linlithgow on the Sabbath, entered the capital in a kind of triumph, accompanied by about forty of the chief merchants of Glasgow, and met, at a short distance from the town, by a number of gentlemen who swelled the procession. After being detained some time in the tolbooth, upon a petition to the justiciary, the magistrates were set at liberty; for though the government at first were inclined to resort to severe measures, when they found that subordination could be preserved, while their success would be very doubtful in the prosecutions, they wisely did not pursue them, especially as it appeared clearly, upon investigation, that their conduct had originated in no design against the government, even Campbell of Shawfield declaring his conviction that the provost's guilt extended no farther than to "plain stupidity." The inferior agents got off for arbitrary punishments; but to show the people that the laws would not be suffered to be insulted with impunity, before being banished the culprits were publicly whipped through Glasgow.

Campbell obtained as a compensation for his loss, upwards of six thousand pounds sterling, to be levied by a tax on all ale brewed within the city, which continues as a remembrance to be raised even unto this day. In return for their persecution, the magistrates raised a criminal process against captain Bushel, but the solicitor in the lord advocate's absence, refusing his concurrence, it fell to the ground; and as a mark of the king's approbation of that officer's conduct, he was promoted from a company of foot to a troop of dragoons.\*

\* The accounts given of this riot by the parties are diametrically opposite in several particulars; one says the soldiers fired without provocation, the other, not till after having stood the most serious outrage; the one, that Mr. Campbell had retired to the country and carried off all his valuables, the other, that even his wife's jewels and his own papers were destroyed; the one that not a floor in the house was touched, the other, that the house was completely demolished. In the text I

When the Glasgow riot was suppressed, all forcible opposition to the malt-tax ceased, and the brewers of Edinburgh were also under the necessity of giving in. They had been foolishly induced, chiefly by the arts of hidden jacobites, to adopt the ridiculous idea of compelling government to take off the tax by stopping brewing, rather than by continuing, even under the advantages of the act of sederunt, to rivet the tax for ever; and when required by the lord advocate to carry on their business, they told they would continue to brew while their malt stock on hand lasted, but if they were sued for the duty they would shut up their breweries and go to prison, rather than comply. His lordship finding them wilful and obstinate, entered a complaint against them for illegal combination, and requiring them "to continue and carry on their trade in the manner and to the extent they had done, for the space of one month preceding the 29th of July until the first of November; and that for the space of three months thereafter, none of them should leave off brewing until fifteen days after having intimated his design to the magistrates of Edinburgh by a public notary;" on which complaint he obtained from the court of session a summary citation under the act of sederunt, requiring the whole to appear next day, and each enact himself by a bond to comply with the required act, under the penalty of one hundred pounds sterling.

The brewers, in a petition, asserted that "to require private persons to enter into a bond under a penalty, was a grievance complained of by the claim of right, and to compel them to follow an employment to their loss, was autho-

have endeavoured to keep as near a middle course as possible. The brewers in Edinburgh seem to have taken a keen interest in the quarrel. I observe in the volume of tracts to which I refer, 3 C, 3-16 in the advocates library, that Mr. Tanoch, a name at the brewer's petition, is by a MS. note mentioned as the author of a very furious pamphlet upon the subject; his statement is principally followed by Lockhart. Culloden papers, p. 79, et seq. addenda, p. 343, et seq. Tracts Bib. Jurid. Edin. Information for the lord advocate against J. and M. Dorroch. Letters from a gentlemen in Glasgow to a friend in the country, &c.

raised by no law, and justified by no precedent; that the brewers during the vacation brewed less, and the retailers sold less than during the session, and they argued, that if their lordships obliged them to brew an equal quantity any one month after to what they did the month preceding, they ought in fairness to pass another act, to oblige the retailers to buy, and the lieges to drink as much each succeeding month as they have done for a month before, and make them severally find caution for the same."

The court considered the petition as insulting, and ordered it to be burnt by the hand of the common hangman: after which they called the brewers to the bar, when all except bailie Simpson refused the bond; whereupon the lords ordained that such of them as did not comply between and the tenth of August should be committed to prison, there to remain till the first of November, or till they subscribed the required obligation. Matters were in this state when the earl of Ilay arrived at Edinburgh; the brewers were then summoned before the justices of the peace, at the instance of the commissioners of excise, to make payment of the duty on the malt still on hand, on which they all struck, and immediately four, considered ringleaders, Messrs Cave, Lindsay, Scott and Cleghorn, were sent to jail.

Although they thus acted with decision, yet at the same time the officers of the crown and the magistrates, endeavoured by persuasion and every gentle method, to induce compliance; several well written small tracts were likewise printed and circulated, exposing the absurdity of the brewers contending against an act of sederunt, of which they themselves had been the authors, and by which it was evident they must be gainers. At last perceiving that they were not in a condition to stand it out against the ministry, the chiefs of the combination were, upon a promise from lord Ilay, that payment would not be demanded till parliament met, persuaded to submit as long as they could do so with a good grace; and the rest seeing no remedy, followed their example, and quietly returned to the exercise of their lawful callings, to the great mortification of the jacobites,

who regretted the breaking up of a combination which they fondly hoped "would have entirely sunk the flourishing revenue of excise."\*

Another source of anticipated disturbance in the operation of the disarming act, soon after equally disappointed their expectation. General Wade, who was nominated commander of the forces in Scotland, and sent to carry it into execution, was a man of mild and conciliating manners, and acted by the advice of Duncan Forbes, whose sound judgment and intimate acquaintance with the highlands, fully qualified him to direct.† In consequence, this detested measure was productive of no angry feeling against the reigning family, but rather tended to create a kindliness between the chiefs and the king's officers, which, had it been properly improved, and the plans of Forbes followed out, the peace of the mountains might have been preserved, and their fidelity to the house of Hanover completely secured. A force sufficient to overawe the disaffected had been sent north, and a camp formed at Inverness, but the

\* Culloden papers, p. 96. Lockhart papers, vol. ii. p. 165. Tracts Bib. Fact. Edin. Present case of the brewers, 1725, &c. Edinburgh Courant, 1725.

† The following anecdote, which is well authenticated, is a proof how well Forbes understood the highland character. He was in the habit of sending his cattle to the west highlands for the summer grazing. The temptation of keeping them at last became so great, that the foreman or manager of the gentleman who possessed the grazings, was sent with the melancholy news that the cattle were stolen. Mr. Forbes was well aware of the real state of the case, and that showing any mistrust or resentment could avail nothing. Trusting to the point of honour, which he knew had the greatest weight with every true highlander, he ordered the messenger to be kept for a fortnight and entertained with the excess of conviviality; and when he was setting out homewards he called for him, and gave him ten guineas, desiring him to tell his master that the loss of a few cattle was nothing between two friends. All this had the effect desired; the foreman answered every argument of his master with "Culloden must have his cattle." And as he was a man entrusted with too many important secrets and affairs to be a contemptible enemy, the cattle were sent back to Culloden with the joyful tidings that they were found straying among the mountains.—Introduction to Culloden papers, p. 42.

government wished rather to soothe than exasperate the clans; the general was empowered to promise a full pardon to all, except those who were already attainted by act of parliament, and even these were not left altogether without hope. Wade, therefore, who the preceding year had made a complete tour through the northern parts of Scotland, surveying the country, and getting acquainted personally or by information with the principal people of rank in these districts, before he left Edinburgh had meetings with most of the gentlemen connected with the highlands, and represented to them the advantages of submission, assuring them that the government was disposed to use great tenderness, and that in due time the expatriated chiefs would be restored, producing in confirmation the royal sign manual to that effect. When he went north, he proceeded on the same system of conciliation, and his advances were met with equal apparent frankness. Seaforth was already in terms with government, and the Mackenzies, whose chief he was, were prepared to submit. In the month of August, lord Tarbet, sir Colin Mackenzie of Coull, and sir Kenneth Mackenzie of Cromarty, accompanied by about fifty gentlemen of the name, waited upon the general at Inverness, and told him they had come as representatives of the vassals and tenants of their lord, who would not venture themselves till they knew how they would be received; that for several years his lordship's rents had been paid to his agent Daniel Murdockson, and they were unable to pay them over again, but if relieved from that obligation, they would in future pay them to the government, deliver up their arms and live peaceably.\*

\* When the rents were collected on purpose to be sent to Lord Seaforth in France, four hundred of his old followers and tenants escorted the money to Edinburgh to see it safely lodged in the bank. Their first appearance on this errand caused no small surprise, and strong animadversions on government for allowing such proceedings.—Stewart's Sketches, vol. i. App. p. 48. It was afterwards more silently, though not less openly, carried to Edinburgh by the agent, who, in 1724,

Wade received them courteously and entertained them hospitably for several days. He told them their demand should be complied with, and if they acted as they promised, he did not doubt but the government would, when parliament met, procure the restoration of the estates, and that his majesty would cheerfully pardon their chief and his friends.

According to a proposal made by the general to government, six independent companies had been raised from among the highlanders, officered by their own countrymen, these were incamped along with the regular troops, and were intended for the special service of disarming their disaffected neighbours. The Mackenzies, either dreading their acuteness, or disliking their superiority, begged that none of them should be present to witness the humiliating ceremony, which they desired might take place at the castle of Buchan, the principal seat of their late superior. Wade yielded this also to their honour, and, on the twenty-fifth of August, went himself, with a detachment of two hundred regular troops, to execute the duty; on the day appointed, the various bodies of the clan assembled, in the adjacent villages, and marched, in good order, through the great avenue that leads to the castle, and one after another laid down their arms in the court-yard, amounting to seven hundred and eighty-four of the different species mentioned in the act of parliament; after which the leading gentlemen were invited by the general to an entertainment, and spent the day with the utmost harmony and conviviality.\*

When he had received the Mackenzies' arms, he proceeded to Killyhuimen, when the Macdonalds of Glen-gary; M'Leods of Glenelg; Chisholms of Strathglass, and Grants of Glenmorrison, surrendered their weapons. The Macdonalds of Kippoch, Moidart, Aresaig, and Glen-

marched, in a public manner, to Edinburgh to remit L.800 to France, for Seaforth, and remained there fourteen days unmolested.—Wade's Report in the Appendix to Jamieson's edition of Burt's Letters. Perhaps both these may refer to the same circumstance.

\* Edinburgh Courant, 1725.

co, with the Camerons and Stewarts of Appin, delivered theirs to the governor of Fort William. The M'Intoshes came in to Inverness; the Gordons and M'Phersons at Ruthven in Badenoch. The inhabitants of Sky at the barrack of Bernera, and those of Mull at Castle Duart. All was accomplished by the first of October, when the troops were sent to winter quarters, and the highland companies to their respective stations—Lovat's to guard the passes, between Sky and Inverness; colonel Grant's from Inverness to Dunkeld; sir Duncan Campbell from Dunkeld as far west as Lorn,—the three under lieutenants were posted at Fort William, Killyhuimen [Fort Augustus] and Ruthven.\*

The northern clans being thus peaceably settled, those of the south, who had "been out," were summoned, and parties of soldiers sent from the garrisons to receive their arms from the inhabitants of Braemar, Perth, Athole, Braidalbane, Menteith, and part of the shire of Stirling and Dunbarton.

At the appointed times and places the clans appeared, but the arms they delivered were not in such quantities as those in the north; for not being to be allowed any compensation for them, and the act not forbidding their disposal to better advantage, they had, with prudent sagacity, got them either manufactured into legal instruments, or carried to the merchant. The number of arms of all descriptions, good and bad, did not amount to three thousand, and by their exposure to rain, and damage in carriage, by the time they were deposited in the castle of Edinburgh, the garrison of Fort William, and the barrack of Bernera, general Wade supposed they might be

\* "Many of the men who composed these companies were of considerable stature; cadets of gentlemen's families, sons of gentlemen farmers and tacksmen, either immediately or distantly descended from gentlemen's families; young men gladly availing themselves of the privilege of engaging in a profession which relieved them from the sense of degradation and dishonour attached to the idea of being disarmed: many of the privates had 'gillys' or servants to take care of their provisions and baggage." Stewart's Sketch, vol. i. p. 250.



worth their value in old iron ! but the general who was highly gratified by the readiness with which they were delivered up, was not over rigorous in his examination, although he entertained doubts both as to the fidelity and extent of the surrender. Two hundred and thirty licences were granted to foresters, drovers, and merchants, belonging to the disarmed clans, to carry arms for their necessary protection ; but during the time the troops were among them, the great body of the people were seen traveling to church and market with only their staves in their hands—and the imposition of “ black mail ” ceased.\*—Every where the chieftains hastened to give in their submission, and as they had no rational inducement to rebel, and were smarting under the consequences of their late failure, there appears no reason to doubt but at the time they were sincere in their promises of peaceful and dutiful obedience. All this had been accomplished for a sum not exceeding two thousand pounds, and besides the general had built a small yacht on Lochness, and commenced the grand military road. But as the highlanders were a people subject to change, and ready to return to their former practices, he proposed some farther precautionary measures, by strengthening the forts, finishing the roads, and keeping for some time a regular force in the country, with a cruizer on the coast to interrupt all communication from abroad.†

Two leading objects usually noticed in their letters to the king, were uniformly inculcated in the instructions of the general assembly to their commission for their particular inspection:—the propagation of the doctrines stigma-

\* “ This was a forced levy, so called from its being commonly paid in meal, which was raised far and wide, on the estate of every nobleman and gentleman, by some greater, in order that their cattle might be secured from lesser thieves.”—PENNANT. “ Mr. Pennant is wrong in his derivation of *Black-mail*. It is compounded of *black* from *blacken* to plunder, and *mal* a mark—a Scottishman says he has paid his *mail* i. e. rent.”—Letters from a Gentleman in the North, &c. vol. ii. p. 124. Note.

† General Wade’s Report.—Appendix to Letters from a Gentleman in the North, &c., edited by Mr. Jamieson.

tised by the act 1717 as antinomian, and the growth of popery within the bounds of the national church. The former of these subjects had been noticed in the royal epistles obliquely; by repeated advices to guard against the practices of such as should endeavour to create unhappy divisions among them, and fatherly exhortations to concord and brotherly love, than which nothing could tend more to their honour and welfare. The commissioner, the earl of Loudoun, in his speech to the assembly 1725, informed them that the latter had especially attracted his majesty's attention; "having considered the representation of former assemblies," said he, "setting forth—'that popery and ignorance increase and prevail in the highlands and islands, and that one of the principal causes is the large extent of the parishes, which prevents ministers from visiting their parishioners as they ought, and giving such instructions as is necessary to enlighten them and arm them against the practices of the many popish priests that resort thither, in order to pervert and seduce them; and that the most probable means to prevent their success, would be to give some proper encouragement to itinerant teachers and catechists to go into these bounds, and be assisting to the ministers established there.' His majesty has empowered me to inform you that he is firmly resolved to promote and encourage, as much as in him lies, so good and pious a design, and is therefore to order the sum of one thousand pounds yearly, to be appointed during the royal pleasure, and applied solely for the provision and entertainment of such itinerant ministers and catechists, as shall be employed in these parts, for the above-mentioned purposes."\*

This method of suppressing popery, certainly superior to the methods so strenuously urged of putting the penal laws in force against the papists, and enacting more ri-

\* The preachers were to instruct from house to house, and also to catechise; they were to have a salary not exceeding L.40 sterling. The catechists L.25 per annum. Settled ministers were also, where requisite, to be employed for administering the ordinances, and to be allowed L.4 per month. Register of the Assembly, MSS.

gorous statutes, he told them, "his majesty hoped would be materially promoted by the means he was employing for securing the peace and tranquillity of the highlands, by giving the ministers an opportunity in the way of example and persuasion, to put some stop to the spreading ignorance and the trafficking priests." The donation was thankfully acknowledged, and a committee appointed to see it properly applied. No other business of importance was transacted in this assembly.\*

Far different, and in woeful contrast with the benevolence of the king, appeared the malignant but happily waning influence of the pretender; when informed of the disarming act, he instantly anticipated a favourable conjuncture in his affairs, and ordered the exiles who were at Paris to prepare for returning to their native country to head a new insurrection; they objected to a new rising as ruinous: but James, with equal folly and recklessness for their fortune, endeavoured to urge them on by the assurance of foreign aid, which he knew was a chimera of his own creating. They had now, however, lost that enthusiasm which prompted their first movements; years of expatriation had rendered them more cool, and the total failure of all his projects had made them less credulous with regard to his promises. Yet with a degree of callous duplicity did he represent them to his friends in Scotland as favourable, and his prospects of assistance from some continental power as more bright and nearer than ever.

In expectation of the highlanders resisting, he declared in an epistle to Lockhart—"I am resolved, and I think I owe it to them to do all in my power to support them; and the distance I am at has obliged me to give my orders accordingly, and nothing in my power shall be wanting to enable them to keep their ground against the government, at least till they can procure good terms for themselves; though, at the same time, I must inform you, that the opposition they propose to make may prove of the greatest advantage to my interest, considering the hopes I have of foreign assistance, which

\* Register of the Assembly MS.

perhaps you may hear of before you receive this letter. I should not have ventured to call the highlands together without a certainty of their being supported; but the great probability there is of it, makes me not at all sorry they should take the resolution of defending themselves, and not delivering up their arms, which would have rendered them in a great measure useless to their country."

Neither his lowland nor highland friends entered into his foolish and precipitate counsels; the latter were sufficiently willing to preserve their arms, but it was by the more safe and prudent method they pursued; and the former were "humblie of opinion, that if the highlanders pretended to stand it out against the government, it would be a rash and fatall attempt: that it was not to be imagined they could by resistance get better terms, unless they were able to defeat the government, and if they failed therein, the utter extirpation of their race would be the consequence." "And therefore," adds Lockhart, who acted as their scribe, "Your friends here are unanimously of opinion, that as the highlanders are a body of men of such valuable consideration both to your interest and that of the countrie, it is by no means reasonable to hazard them at an uncertainty; for though they should give up their arms (which will not be the case) it will be easier to provide them therewith afterwards than to repair the loss of their persons when your service calls for their assistance." With equal good sense they advised him to direct his foreign force, of whose efficiency they appear to have had some sly suspicion, rather to make an impression on England than uselessly expend it among their mountains." "For," continued Lockhart, "situated as the highlanders are, and exposed to the hatred of the government, it is by no means adviseable to hazard them on the prospect you have, and mention of speedy assistance from foreign powers. These undertakings are lyable to so many accidents, that the best formed designs may prove abortive; in which case, any previous declaration for you would terminate in the utter ruin of your friends and party. If such foreign powers as can and are willing to aid you are at pains to inquire into the true state of affairs and

characters of persons, they cannot doubt of your Scots subjects readiness to declare for you whenever a probable attempt is made, which will contribute as much to the desired issue of it as if they should begin sooner. Whilst at the same time, it secures your interest in the country in case of unlucky intervening accidents and disappointments." And with a most cutting allusion to James's highly coloured picturing, he adds, in his own person,—  
"As these are the sentiments of your friends here, which they lay before you with all submission, so likewise do they seem to be the opinions and resolutions of the highlanders themselves both at home and abroad: that the first are so inclined and resolved I know certainly, and I have reason to believe the same of the others."\*

By next accounts from abroad, the "foreign assistance" had vanished in air; and the baseless speculations which Lockhart had formed at home upon the supposition of its reality also evaporated—their only traces remain now in his garrulous pages, whence it is needless to extract them. To notice all the schemes for a second restoration would be as tiresome as useless; but there is one, which for its delightful extravagance deserves preservation: "It was proposed that the king [the chevalier] would prevail with the emperor to set him at the head of the army, (having good general officers under him,) with which he should attack the dukedom of Hanover, and seize on the same as what he had a right to retain until the prince thereof restored him to the possession of what he detained from him. A vigorous push on this quarter would have the same effects as an attempt on Britain, at least facilitate such an attempt if judged necessary and practicable, and would encourage and enable the king's friends at home when a diversion was given that would be of the utmost consequence. For as king George's affection and regard to his German dominions lay nearest his heart, he would bend his greatest care and chief efforts to defend them, and rather than run the hazard of losing them, or even seeing them ruined by being the seat of a bloody war, would think of making up

\* Lockhart Papers, b. ii. p. 188.

terms with the king, especially when 'tis well enuff known how little concern he has for the person called his son and successor. And although a considerable part of the British should stand by the prince with a design to set him on the throne, 'tis not to be doubted but in such a strange jumble of affairs and interests others would think of applying to the king when they perceived the revolution party split into pieces, and the king at the head of a powerful army abroad, and his friends declaring for him at home."

Many of Lockhart's wild projects which he gravely enumerated, and which formed the ground work of much of his correspondence with the pretender, if not altogether the reveries of his own imagination, were founded on the exaggerations of a very sanguine temperament, and neither met the approbation nor support of those with whom he was connected: indeed, he acknowledged to James nearly as much. Lord Panmure, he told him in a letter dated December 1825, when shown some of his (the chevalier's) letters, turned all into a jest, and fell soon into a passion, swearing that it was madness to propose any thing to be done for him, and that none but madmen would engage in such an affair, and "his eldest son made no scruple of owning a great resentment at the loss of the family-estate, and the cause that occasioned it." The duke of Hamilton, if ever serious, also wisely withdrew from the trusteeship: at one time, he was too eagerly engaged in country diversions to attend, and when spoken to about this affair, he replied, that being a young man, he was unwilling to say any thing to the prejudice of an established reputation such as Panmure's.

But Lockhart, to console himself and his master for the defection of a nobleman, upon whose accession to them he had raised such towering hopes, thus characterizes "the most proper person [his Grace] in whom the supreme power should be lodged."—"But then he's young, and hath no experience in business of any kind; nay, notwithstanding all that your and his own friends have said to him, his by-past life hath been entirely devoted to diversions, idleness, and a bottle, among a set of people noways fit companions for one of his rank, by which conduct he hath en-

tirely lost his character, and run himself over head and ears in debt:" his communication concludes in the following pious but desponding strain: " I pray God you may be enabled to lay hold of this and every fair opportunity of doing yourself right, and relieving your oppressed people : in fact, excepting a few, and those neither remarkable for influence nor abilities, the jacobites in general throughout Scotland were at this period willing to desert a declining cause that had lost much of its attraction by the issue of the late rebellion, and by the spiritless behaviour of James himself, while among them.

What tended too at this time greatly to thin the ranks of his partizans, and estrange his friends, was his domestic quarrels, of which his enemies knew well how to take advantage, and which rendered him contemptible through Europe. His folly had placed him in the hands of a selfish crew, who consulted nothing but their own particular interest, who preyed upon, flattered, and betrayed him. Mar\* had been supplanted in his office of secretary by his brother-in-law, Col. Hay, created nominal earl of Inverness, and two parties were formed abroad among the sufferers in the Stuart cause. Inverness ingrossed the whole confidence of his master, whom he suffered to be approached by none but his own creatures, and over whose weak mind, by means of his wife, a handsome intriguing woman, he contrived to secure his ascendancy. The more respectable of the exiles withdrew from his court, and lingered about Paris in hopes of returning home, or entered into foreign service to avoid starving.

In these divisions, the " queen," or lady pretendress, joined the party of Mar. Offended at the intimacy be-

\* Mar entered into negotiations with the earl of Stair for a pardon, which were unsuccessful ; and he was afterwards supported in exile chiefly by his tenantry, from whom he little merited any thing. He suggested the improvements in Edinburgh, by building the North and South Bridges, and also the making a navigable canal between Forth and Clyde. Douglas' Peerage by Wood, b. ii. p. 218. Yet he was accused by the jacobites of applying to his own use money sent for the use of the pretender, of being pensioned by government, and of revealing James' secrets. Lockhart's Papers, vol. ii.—I have seen no convincing proof of these charges.

tween her husband and lady Inverness, she had behaved with coolness to the noble pair, who, arrogant from the power they possessed, treated her in return openly with insult and indignity. This she bore reluctantly for some years, till her first son, Charles Edward—afterwards the young pretender—being about to enter his fifth year, was taken from Mrs. Sheldon's charge, where she had him under her own eye, and was committed to the care of James Murray, created earl of Dunbar, brother to lady Inverness, nor ever permitted to visit her alone. Against this she loudly remonstrated, and demanded the dismissal of the favourites as the condition of her continuing with "the king," which not being able to obtain, she sought refuge in a convent.

Whispers of a misunderstanding between the royal couple had early reached Scotland, but had been treated as scandalous aspersions, originating with the Marian faction; till the publicity of the queen's retreat rendered it impossible longer to look upon them in this light; nor did the chevalier himself allow to pass over in silence an incident which he ought to have been the last man in the world to publish. He printed and circulated a memoir, accusing his "queen" of unreasonable obstinacy, in persisting to require the dismissal of his most confidential servants, in whose integrity he had the most unbounded reliance, and whose conduct towards her majesty had ever been respectful, without assigning any reason for her dislike. In two letters, however, subjoined, he plainly hints at the cause of her displeasure, by assuring her that she alone possessed his affection without a rival, while he was unable to express his astonishment at her extravagant injustice towards lord and lady Inverness; and he felt himself obliged to declare, that his lordship, so far from having rendered her any ill offices with him, was particularly anxious to avail himself of the liberty which he allowed him, to speak to him with freedom, and exhort him to mildness and patience when he saw him ill-pleased with her conduct; and, for the countess, the whole world knew with what zeal and even affection she had served her. He admits, however, that he



had given orders that their eldest son should never be allowed to go any where without being accompanied by his governor or sub-governor, who always attended him even to his own chamber. He had dismissed Mrs. Sheldon, he said, and he had his reasons for dismissing her, but at these things she ought not to have taken offence, he being the master of his own family and children.\*

Clementine, his lady, in a letter written to her sister, which was also published, tells her for the information of the world, "Mr. Hay and his lady"—for she does not give them their titles—"are the cause that I am retired into a convent. I received your letter in their behalf, and returned you an answer only to do you a pleasure and to oblige the king, but all has been to no purpose, for, instead of making them my friends, all the civilities I have shown them have only served to render them the more insolent. Their unworthy treatment of me has in short reduced me to such an extremity, and I am in such a cruel situation, that I had rather suffer death than live in the king's palace with persons that have no religion, honour, nor conscience; and who, not content with having been the authors of so fatal a separation between the king and me, are continually teasing him every day to part with his best friends, and most faithful subjects. This at length determined me to retire into a convent, there to spend the rest of my days in lamenting my misfortunes, after having been fretted for six years together by the most mortifying indignities and affronts that can be imagined." James's memorial only confirmed the reports which had gone abroad: The ill usage of his queen had been too flagrant not to be observed by almost every retainer about his court, and even his friends could not excuse it. Clementine's statement, therefore, met with universal credit, and herself with uni-

\* This was a doctrine he was very fond of inculcating. In another letter, which he meant to be a very tender one, he politely tells her, "Vous avez du etre persuadée il y a longtems que je veux etre le maitre dans mes affaires et dans ma famille; mais il n'est encore trop tard de se reconnoitre."—Register of Letters. Lockhart's Papers, v. ii. p. 246.

versal sympathy, while the character of her husband fell in proportion.

As the tutors of her son, though properly of no faith, professed the protestant, she easily procured the influence of the pope, by her complaints of the danger of their being perverted, and it is not a little diverting to see Inverness representing himself as suffering persecution for his religion ! At first the chevalier talked big and looked exceedingly high. "The pope," he says, in one of his letters, "sent to tell me if he [Murray] were removed, and Mrs. Sheldon taken back into favour, that he hoped matters might be made up betwixt the queen and me ; that what he said of Mrs. Sheldon was only by way of entreaty, but as for Murray he could not approve to consent to his being about my son. To which I replied that I had no occasion for the pope's advice or consent in the affair, that concerned my private family. It has been talked in Rome as if the pope might take from me the pension he gives me, but neither threats of this kind, nor any want of regard the pope may show me, will induce me to alter my conduct, and will only serve to afford me an opportunity of showing my subjects that nothing can make me alter a conduct which I think just and right."

Finding, however, that it was rather difficult to remain in Rome and contend with the pope, his lordship of Dunbar, in less than a month got leave of absence, and we hear no more words of defiance ; for shortly after, in a chastened tone, he complains to his correspondent, "the queen is still in the convent, and her advisers continue still to procure my uneasiness from the pope to such a degree that I wish myself out of his country, and I won't fail to do my endeavours to be able to leave it, which I am persuaded will tend to the advantage of my affairs." His schemes, however, which were built upon the fluctuating state of European politics, were exposed to strange vicissitudes, as the relations of these states scarcely remained the same for six months at a time ; France, Spain, Sweden, had alternately buoyed up his expectations and disappointed them ; he was now looking to the emperors of Russia and Germany, to any

mind but his own or his adherents, a very hopeless quarter.

Wild and extravagant as his projects were, they furnished his rival,—for they were all communicated to the British cabinet,—with pretexts for involving Britain in every squabble in which his retention of Verdun and Bremen involved him, but which were declared necessary for maintaining the balance of power in Europe, and preserving the kingdom from the pretender. A congress which had met at Cambray, for adjusting all the differences of the parties, had been prolonged for three years. The emperor refused to give the elector of Hanover investiture of his acquired property, except upon payment of very exorbitant fees; these the other hesitated to pay; and while this account was adjusting, the meeting was broken up by the information of a treaty between the Germanic head and Spain, containing, according to rumours spread by the British ministry, secret articles detrimental to the trade of England, and for the restoration of the pretender. This treaty had been managed by the duke di Riperda, a native of the united provinces, who, changing his religion, by the union of talents and opportunity, had succeeded to the title and influence of Alberoni, in Spain, whom he had openly accused of wasting at Sicily the naval force which should have landed a new king in England.

King George dreading this alliance, concluded a defensive treaty, at Hanover, with France, to which Prussia and the States-general were invited to accede. Then hastening home, in the session of parliament held January 1726, he obtained the approbation of the commons, who declared they would effectually stand by and support him against all insults and attacks that any power in resentment of the measures so wisely taken, should make upon any of his majesty's territories, though not belonging to Great Britain. Fleets were in consequence ordered to cruise in the Baltic, Mediterranean, and West Indies, while the continent was restless, but no active hostilities were yet begun, though Spain collected an army of twenty thousand men at St. Roch, and threatened Gibraltar.

Somewhat similar to the state of Europe was the state of the established church. No open hostilities were carried on in the great field of contention, the general assembly, to which the earl of Loudon was again appointed commissioner, and Mr. Mitchell of Edinburgh, moderator; but in the presbyteries there was constant skirmishing between the evangelicals and their opponents, who dared not yet openly avow arminian tenets, or justify patronage, without any reference to a call from the parish. Rapid strides, were, however, making towards both, by the introduction of a method of preaching which could not be condemned as heterodox, but which was “sparingly sprinkled with the gospel;” and by the commission in general affirming, in preference, the settlement where the candidate had the presentation, although he had the fewest votes. A new accusation of teaching more openly unsound noxious doctrine was brought against professor Simpson; and it was also considered the mark of a backsliding church, that notwithstanding irrefragable proof he had a strong party that protected him, and eventually brought him off with a very disproportionate mark of disapprobation; his case was referred to a commission by the assembly. During this year numerous cases of reference with regard to disputed settlements occurred, and it deserves particular remark, that both in presbyteries and synods the satisfaction of the parish was never understood to signify that of the people, the majority of the parish being a majority of the heritors and elders;—in some cases heads of families were included, but not always.\*

\* In a violently contested case, that of Lochmaben, 1724, about which nearly a folio volume of papers was printed, the inhabitants are said to be represented by the town council, and where the debate rested chiefly upon the qualification of the voters, heads of families, householders, unless proprietors, were not held good.—A true and fair representation of the case of Lochmaben, 1724. In a similar one at Cardross, this year, fifty-two heads of families having voted for a Mr. Smith, it was asked, are these legal votes? No, for they may be here to-day and away to-morrow.—Letter from a parishioner of Cardross, 1725. Tracts. Bib. Facult. Edin.

While the friends of the presbyterian establishment were lamenting her divisions, and mourning, that notwithstanding the regular re-enactment of most excellent laws, her discipline was relaxing, and her practice deviating from her received standards; the friends of episcopacy were bewailing the departure from their principles, and the rebellious spirit which had obtained among the fragments of their church. These were divided into two factions. The one was distinguished by its zeal for restoring several of the Romish rites,—or as they styled them, some ancient usages,—mixing the eucharistic wine with water, anointing with holy chrism, and prayers for the dead; but, at the same time they asserted the right and power of the presbyters, with the consent of the people, to elect their bishops, without any dependance on the king or college of bishops: the other, that of the college of bishops, were opposed to all innovations in the canons and ceremonies of the church, as they were established and practised before the revolution, and were for allowing the king, as far as possible, the exercise of those rights, particularly with respect to naming bishops, that were vested in him by the laws of the land, previous to 1688. At the head of the first was bishop Gatherer, supported by lord Panmure, and most of the earl of Mar's friends; the “trustees, now dwindled down to insignificance, supported the last, and their diversity of opinions and views were carried to the greatest height by both clergy and laity. The succession to the see of Edinburgh occasioned a bitter collision between them.

Fullarton, the then dignitary, having become “dosed and superannuate,” in prospect of his decease, the pretender had desired the bishops to consecrate Mr. John Gillane, a person recommended by his trustees. But one of the college—Miller, a man “of a hot turbulent temper, ambitious, proud, and positive; and withall but meanly endowed with learning, prudence, or discretion,”—who had been disappointed of the archiepiscopal chair of St. Andrews, set his heart upon the metropolitan bishopric, and was at great pains to gain the favour and friendship of the

presbyters of Edinburgh, and succeeded to his mind with a certain set, whose life and conversation rendered them very contemptible; these he “skreened” from censure on account of the indecent practices laid to their charge, and they apprehending that Gillane would be too strict in his discipline, resolved to leave no stone unturned to prevent his consecration.

Emboldened by numbers, Miller drew up a remonstrance to the college against consecrating Gillane, which was signed by above twenty presbyters; “it began by representing the encroachment made on the powers and rights of the church since the reformation; and earnestly exhorted and required the bishops to lay hold on this happy occasion for regaining what was lost, now that the crown was not in a condition to maintain them; it accused ‘the king’ of having broken the promise he had made of not recommending any to the episcopal charge without the previous advice of the college; and expressed their dissatisfaction with Gillane’s character and qualifications, reserving the particular grounds thereof for another occasion.”

Before presenting this paper, they communicated it to bishop Duncan, who frankly told them if they did so, he would throw it into the fire, and sharply reproved them “as acting a most seditious and unwarrantable part with respect to their civil and ecclesiastical superiors, that such a practice would be a precedent for destroying all order and government, and directly inconsistent with that loyalty which had hitherto been the glory of the Scots church.” Perceiving that the college would give them no favourable audience, the remonstrance was not presented; but the party, enraged to the utmost, in every company they entered, openly lamented the deplorable state of the church, and publicly asserted the king had sent Lockhart a *congé d’elire* for electing Gillane.\* Forgetting their doctrines of passive obedience, they railed

\* By a curious misprint in the Lockhart papers, the king is said to have sent the bishops a *congé de lire*, leave to study, a very proper permission, instead of a *congé d’elire*, a liberty to elect.

against his majesty's obtruding men upon the church, with whose characters he was unacquainted, and insolently asked what was to be expected if he were on the throne, who acted so arbitrarily in his present situation?\*

Mr. Lockhart, who always took a keen interest in ecclesiastical affairs, expostulated strongly with one of the party—a Mr. Keith—upon his conduct, as calculated to give mankind a strange impression of an order of men who pretended to suffer for their loyalty, and yet acted a part so diametrically opposite thereto, and withal so ungenerous, as prosecuting at this juncture measures that none would dare own were the king upon the throne; to his utter amazement, Keith answered that it was certain the state had made great encroachments upon the church, and he would not say but there were some inconveniences in attempting to recover them at this juncture; yet they could not in conscience sit altogether silent, and he offered in their name to refer the whole, or compound the matter. Indignant at such a proposal, the trustee passionately replied, “that the king was not quite reduced so low as to make a reference or composition with a parcel of little factious priests in the diocese of Edinburgh, who as they were serving the covenanted cause, should change their black gowns into brown cloaks, and he did not doubt but they would be received among the godly, unless ecclesiastics had the same fate with state traitors in being despised by those they served.” The consecration of Gillane was, however, delayed, and shortly after their communication with the pretender, interrupted.

Such bustling among so intemperate a set could not be kept a secret from their adversaries, and accordingly some of the more zealous presbyterians made application to lord Ilay, then in Scotland, to procure the interference of government; but his lordship judged more wisely, and told them to rest contented, for the episcopalians were in the

\* “In short,” says Lockhart, “they spoke with the utmost malice, and in the most unmannerly terms, of the king and all that opposed them; nay, one of their ringleaders, Mr. P. Middleton, was heard say that if Gillane was consecrate, he'd make some heads hop!” *Papers*, vol. ii. p. 327, *et seq.*

high way of undoing themselves if let alone. Government, however, was upon the scent of other game. Inverness,\* for whom James was sacrificing his wife and his character, had been for some time in their pay, and whether from revenge for the laird of Carnwath's plain dealing, or from the fear of being himself detected, gave information of a packet directed for Lockhart, containing plans and speculations about invasion, to which, in the unsettled state of their foreign relations, the ministry were disposed to attach some importance. In consequence, a vessel, from Rotterdam for Leith, containing these dispatches, was boarded by a custom-house yacht in the mouth of the Firth of Forth, and the letters seized, but Lockhart escaped to the continent. The persons, however, who conducted the correspondence, Strachan a merchant in Leith, and Cossar in Edinburgh, were seized and carried to London, where they remained several months, and the latter was drawn in by degrees to own so much, that at last he was forced to make a full discovery.†

After the trustee's departure, when Fullarton died, the

\* Lockhart himself had heard that "that lord being apprehensive that the vigorous opposition and warm representations of the king's trustees in Scotland, against him and in favour of the queen, would at last prevail with his majestie, thought nothing would so effectually prevent his fall as cutting off those who were most active against him, with which view he went and discovered to government the letters in that packet." He adds in great wrath and simplicity, "if this fact is true," of which, that he should have doubted it, considering the authority he had, is strange, "no age ever produced a more monstrous instance of malicious villanous treacherie and revenge!"

† The following anecdote goes far to relieve George the First's memory from the imputation of harshness or cruelty towards rebels:—the government having thus, and by other means, discovered a great deal too much, it was moved and pressed in the cabinet council, to prosecute the earls of Wigton, Kincardine, and Dundonald, and the lord Balmerinoch and myself for high treason; but the late king George opposed it, he said that the preliminaries being signed there was a prospect of peace, and he would have no more blood or forefaulters, especially seeing the person most concerned (meaning me) had escaped, and in this he was so positive, that his ministers, after several attempts, were forced to drop it." Lockhart's Papers, vol. ii. p. 298.



two factions became still more divided; the rebellious party elected Miller to the vacant see, and the college nominated bishop Fairbairn, interim factor upon the diocese; while the managers of the most considerable episcopalian meeting houses in Edinburgh dismissed their pastors, for acting in opposition to their sentiments,—an assumption of power bordering more upon independent than episcopalian principles.

Public affairs had assumed a very warlike appearance when the British parliament met on the seventeenth of January one thousand seven hundred and twenty-seven. The king announced, in his speech, the critical state of the times; to touch the pride and the interest of England, he told them “Spain had demanded the restitution of Gibraltar and Port Mahon, and Germany the establishment of a company at Ostend to compete with and ruin the East India company of London; and the reward of these concessions was to be—placing a popish pretender on the throne.” A supply of two millions nine hundred and ninety-eight thousand, one hundred and four pounds sterling, declared the terror of the commons, who dreaded the chimerical restoration of the Stuart more than the real accumulation of debt; for the statesmen of those days, who predicted hazard to liberty from imaginary dangers, perceived none from the increasing host of placemen and dependents which the taxes were creating for government. They pleased themselves with the idea of the sinking fund soon clearing off all incumbrances, and though it was already realizing its name—for there was no surplus revenue to apply to it—yet would not any of them admit the absurdity, when Lord Bathurst pointed it out in the house of peers, of borrowing money to pay part of an old debt, whilst they were actually increasing it by new loans:—a fallacy so detrimental to the country none of the managers of the treasury ever had the honesty to acknowledge, till the present chancellor of the exchequer (1828) avowed it.

Scarcely had the parliament risen when the general assembly sat. They fully concurred in expressing their loyalty and duty to his majesty at “that critical conjunc-

ture of affairs," and deprecated with as much fervour the alliances abroad as favouring the pretender. They at the same time judged themselves bound to watch strictly against all divisions among themselves which might tend to disappoint the good ends for which they were convened, by affording his majesty's enemies any handle to disturb the happiness and tranquillity of his auspicious government. These dissensions were chiefly occasioned by the agitation which professor Simpson's heresy produced, who, upon the report of the commission, was suspended from teaching by this assembly till the meeting of next. His case, however, though of primary importance, which involved polluting the sources of religious instruction by inculcating error from the divinity chair, was treated with great tenderness; but the non-jurant episcopalians, who were about as dangerous as their powerless master, were particularly recommended to the attention of the civil power, as uniting in measures with professed papists for the purpose of creating dissatisfaction. "In their prayers they not only did not remember his majesty, but, by a circuitous mode of expression, gave their hearers to understand that their petitions were chiefly intended for the pretender, from whom alone they expected redress." Government, or rather lord Ilay, who knew the distracted and uninfluential situation of the titular bishops—for as there was no distinct Scottish secretary of state, lord Ilay managed the business—paid no attention to their memorial, but reiterated his majesty's recommendation of peace and unity among themselves.

War had commenced in the siege of Gibraltar by the Spaniards; but none of the other powers being equally forward, negotiations were continued; and about the end of May preliminaries of peace were agreed to through the mediation of France. Upon which, king George, who had not visited his German dominions for two years, having resolved to repose upon his laurels, immediately after parliament broke up, prepared for a journey to Hanover, to enjoy some relaxation from the skirmishing of parties which he liked so ill in Britain. On the seventh

of June he landed at Vaert in Holland, where he remained for the night. Next day he proceeded, and reached Delden on the ninth between ten and eleven o'clock at night, to all appearance in perfect health, supped heartily, slept well, and left the place next morning about four. Between eight and nine he ordered the carriage to stop, and on attempting to get out, felt that he could not move one of his hands. Fabricius, who was with him, chafed it, but to no effect, upon which he called the surgeon, who followed on horseback, and he rubbed it with spirits. In this interval the king's mouth and eyes became convulsed, and his tongue swelled; a vein being opened, he recovered his speech only to say, "hasten to Osnaburg," and fell into a lethargy from which he never awoke. He expired in his brother's palace at two o'clock in the morning of Sunday, June eleventh, in the sixty-eighth year of his age and thirteenth of his reign.\*

\* The jacobites improved the story of the king's death. "The circumstances of king George's death are terrible, and worth the knowledge of all our friends: they are kept as much concealed as possible even in Germany; so probably will be a secret both in England and France. What was told me lately by a person of superior rank, and of great esteem in these parts, I had heard imperfectly before from a lady of quality. It seems when the late electress was dangerously ill of her last sickness, she delivered to a faithful friend a letter to her husband, upon promise that it should be given into his own hands. It contained a protestation of her innocence, a reproach for his hard usage and unjust treatment, and concluded with a summons or citation to her husband to appear within the year and day at the divine tribunal, and there to answer for the long and many injuries she had received from him. As this letter could not with safety to the bearer be delivered in England or Hanover, it was given to him in his coach on the road. He opened it immediately, supposing it came from Hanover. He was so struck with these unexpected contents, and his fatal citation, that his convulsions and apoplexy came first on him; after being blooded, his mouth turned awry, and they then proposed to drive off to a nearer place to Osnaburg, but he signed twice or thrice with his hand to go on, and that was the only mark of sense he showed. This is no secret among the Catholics in Germany, but the Protestants hush it up as they can."—Lockhart's Register of Letters, Papers, vol. ii. p. 252-3. Similar citations and similar effects have been so often told, that one would almost have imagined such stories must have become stale even among "the Catholics"—but partizan credulity can believe any thing.

Late in coming to the British throne, and unacquainted with their language, George never could accommodate himself to the manners of the people, and though respected was never beloved. The violence of political party at the time when he succeeded, and which he ill understood, operated against him. He possessed not that powerful mind which could have served himself, of both sides, by directing his own councils and rendering their united efforts beneficial to the empire at large, while they did not individually trench upon each other's particular; but declaring himself at once the head of a faction, he secured their support at the expense of the peace of the country, while they, to preserve their own ascendancy, flattered and encouraged him in his partiality for an electorate, which ought to have been declared separate the moment he obtained the crown.

As sovereign of Britain, he sacrificed the interest of the three kingdoms too much for quarrels not British; yet he materially promoted their prosperity by not interfering with their free institutions; and his memory must be ever honoured for supporting the religious liberty of his subjects. As a prince he was steady in his friendships, and held his word sacred; he was temperate and circumspect in his politics; and his military qualities, though not brilliant, were above mediocrity. He was inclined to favour Scotland; and if that division of the empire did not advance so much under his sway as it ought, this must be attributed to causes over which he had no control. He was plain in his dress, grave in his manner, and composed in his general deportment. For a king perhaps, his private conduct was tolerable; but it was rather too much for the general assembly of the church of Scotland, year by year, to extol his "piety" and his "royal endeavours to discourage vice and immorality," when he was keeping two mistresses as openly as if he had advertised the fact in the gazette, in the same columns with the clerical address.

# THE HISTORY OF SCOTLAND.

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GEORGE II.

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## Book XXII.

AN express, which arrived on the fourteenth of June, announced the death of the late king; and his son, who was at Richmond, immediately proceeded to London, when the members of the privy council, being assembled at Leicester house, acknowledged his succession, and took the oath of allegiance to their new sovereign. His majesty in return declared his determination to preserve the constitution in church and state, to pursue the same line of politics his father had followed, and to cultivate those alliances he had formed with foreign powers. At the same time he called for and subscribed the oath for the security of the church of Scotland, for whose establishment he professed to inherit his father's regard. Next day he was proclaimed king of Great Britain, and the parliament assembled *pro forma* in pursuance of the act requiring their meeting on the demise of the crown; but were immediately prorogued to the twenty-seventh of the same month.

All the great officers of state were continued in their places. Lord Townshend, secretary for foreign affairs, assisted by the duke of Newcastle, to whom, since the abolition of the separate secretaryship, the Scottish depart-

ment had been assigned ; and sir Robert Walpole at the head of the treasury, who controlled and directed the whole.

Since the days of William the internal politics of Britain had undergone a most material and important revolution ; with great immediate good, that prince brought the germ of much future evil to the country, in the system of loading posterity with the burden of their fathers' expenditure. Statesmen thus finding it easy to procure, without immediate severe pressure on their contemporaries, the funds requisite for carrying on their extravagant projects, were betrayed into a profusion upon which they durst not have ventured had the war expenses been raised during the years of war ; while, by the prolongation of their duration, the representatives who voted the money were exposed to be practised upon by the ministry, and relieved from the dread of any immediate reckoning with their constituents. The premier well understood the nature of his vantage ground ; the prerogative could not now be openly resorted to, and even its proper and due influence was sometimes with difficulty exerted ; but the sordid and selfish passions of our nature presented an easier mode of accomplishing the purposes of the crown. The public treasure was at the disposal of its servants, and at once operating as cause and effect, produced and extended the contagious corruption which has in every free state that ever became wealthy, sooner or later, first polluted the beauty, and then ruined the health of the body politic ;—till some internal fever, or outward shock, has broken down and destroyed its vigour and its spirit. That such a rapid progression has not taken place in Britain, although the type of the disease is sufficiently discernable, must be attributed to the native vigour of the constitution, and the remedies which a watchful, and often factious, but happily seldom feeble opposition has forced into the system.

For a term of years Walpole was able to maintain himself in power, and procure irresistible majorities by the number of dependants his immense means collected around him ; in the first parliament, however, public opinion went

along with him, and the promises of his majesty in his opening speech were highly flattering to a nation always prone to be delighted with whatever is novel, and who besides felt interested in their new king, whose predilections they anticipated would be more truly British than his father's.

Professions of affection for his people, and earnest desires to merit them, were naturally the most prominent features of the royal communication to parliament, and these were enlivened by promises to maintain their rights and lessen their expenses. The houses having replied by addresses of condolence and congratulation, the civil list was brought under consideration, and eight hundred thousand pounds, in place of seven hundred, proposed to be settled for life on the king, an increase required as necessary on account of the largeness of the royal family.

Retrenchment, economy, and the sinking fund had been the ministerial strong holds and rallying points during the last years of the late reign, yet the national debt, instead of diminishing, had increased, to what was then thought an enormous sum, upwards of fifty millions and a quarter.\* Mr. Shippen seized upon the incongruity, and opposed the grant as inconsistent with their trust as guardians of the public purse; he eulogised the moderation of queen Anne's ministers in this department, who never but once, during a reign of thirteen years, required more than five hundred and fifty thousand pounds, although her majesty had generously bestowed nineteen thousand per annum to augment the incomes of the poor clergy, five thousand to the duke of Marlborough, and allowed four thousand to prince Charles of Denmark; besides supporting the poor palatines, and exercising other acts of royal bounty. He hoped, too, that his present majesty would be able to spare the nation many of the expenses needlessly incurred by frequent journies to Hanover, nor did he think the establishment for prince Frederick, a youth of twenty,

\* Little more than half of what was raised in one year of the late war.

should be on the same scale as his majesty's, at mature years, and when prince of Wales. He also dwelt strongly upon the extravagant waste in a department from which they had no account, and which he emphatically styled "the bottomless gulph of secret service," and concluded by proposing that instead of granting an addition to the civil list, they should restrict the revenue to the same sum allowed George I.\*

No reply was attempted by the minister, and the sums requisite being voted with a loyal unanimity such as generally marks the first votes of a new reign, his majesty dismissed the parliament with many expressions of satisfaction, on the seventeenth of July. On the seventh of the next month they were dissolved.

As was to be expected, the church of Scotland pressed

\* The following anecdote is told of the patriot and the minister. Shippen who secretly favoured the cause of the forfeited family, carried on a private treasonable correspondence with some favourers of that cause. Walpole, who was not ignorant of this circumstance, contrived matters so as to get into his hands a whole bundle of Shippen's treasonable letters. When he had obtained them, he sent for Shippen one morning to speak with him about some particular business. The patriot somewhat surprised, but not in the least suspecting the true cause of the message, obeyed the summons. He was politely received by the minister, who, after the usual compliments, put the letters in his hands, asking at the same time if he knew that hand-writing? Poor Shippen, as soon as he cast his eyes upon them was quite confounded; he attempted an apology but could only stammer out some incoherent words. Sir Robert then smiling, took him by the hand, "be not afraid," said he, "Mr. Shippen—I see well enough how matters stand, I only wanted to convince you that I am not the very wicked creature you wish to persuade the world I am. Let your mind be at ease. These papers I obtained merely for my own private information. I am satisfied; be assured no one else shall ever be the wiser for them," and so saying he threw the packet into the fire. "I should doubt," added he, "how far I acted with strict propriety were I to become an accuser of the man who has personally opposed me as you have done; and the public would have reason to suspect that their service was not my only motive. Go home in perfect security, and be assured, on all proper occasions, I will promote your interest as much as if nothing of this kind had happened."



forward amongst the foremost to approach the king, to tell him of their “unspeakable” regret for the threatening bereavement, and their “inexpressible” delight at the joyful accession the nation had unexpectedly been called upon to witness. The assembly could not with propriety have been convoked upon the occasion; but the commission at their first meeting supplied their deficiency by the following address.

“ May it please your majesty—We lay hold of the first opportunity that our meeting together affords us, to express our just sorrow and concern for the unspeakable loss which we, together with all the protestant churches, have sustained in the unexpected death of his late majesty, your royal father, our most indulgent sovereign; and at the same time to declare the hearty joy, and complete satisfaction that possess us in your majesty’s quiet and peaceable accession to the throne. When we revolve in our thoughts how melancholy our situation appeared to be, by the sudden removal of our late most gracious and wise king, at a season when the critical juncture of public affairs of Europe seemed to call for the most steady hand to conduct them, and when we reflect how momentary our fears were, how quickly they were dispelled upon your majesty’s ascending the throne of your ancestors, with the universal and joyful consent and congratulation of your people, and when we see the weight of British councils in supporting the protestant interest abroad, and preserving the balance of Europe, prevail as formerly; we cannot but admire and adore the kind providence of Almighty God, who hath turned our sorrow into gladness, and under these ‘gloomy circumstances which threatened us with danger, hath opened to us the prospect of lasting happiness and security.

It hath been the unhappiness of Britain, for more than a century past, that it never saw the throne filled at the same time with a protestant king and queen, blessed and supported by a hopeful progeny, whence grew that weakness in the state, and uncertainty in the settlement in matters of religion that has frequently threatened the protes-

tant churches with ruin. But now, thanks to our most gracious God, we see joined to our king, whose wisdom, justice, and magnanimity secures the church and state from all apprehensions, a queen whose virtue and piety are a fit pattern for your people, and whose generous contempt of diadems, when standing in competition with the protestant religion, is rewarded even in this life with one of the most considerable crowns in Europe, and assures religion in this island, of finding in her a tender nursing mother, as it gives a solid expectation that the growing royal family, the hope and glory of the kingdom, will be brought up in the same principles. Under these happy circumstances, we can have no apprehensions of what we formerly dreaded, but may reasonably hope, that the abjured pretender will soon have no friend in Britain, who is not a friend likewise to his absurd religion, and our faithful endeavours must, with the blessing of God, have the same success against him as against the errors that lead captive his blinded abettors into his interest against their own.

That the profession we make of affection to your majesty is unfeigned and genuine, no enemy we have can pretend to doubt. Early upon your accession to the crown we received the strongest security that your majesty will maintain inviolably the rights and privileges of the church of Scotland, and its main support, under God, is from the present happy establishment of the crown on your majesty and your royal family.

Our preservation depends so evidently upon your undoubted title to the imperial crown of the realm, that though the popish pretender to your majesty's throne, in public papers and declarations, has often attempted to delude others with the vain hopes of protection, should his arbitrary and tyrannical government take place over this island, yet not the remotest insinuation either was or could with any colour be made in favour of our church, so inseparably are our duty to your majesty and our interest connected together. And, therefore, we humbly presume to hope, that your majesty will graciously accept of this first declaration and tender of our unalterable love, duty, and

loyalty. That God may long preserve your majesty, the great pattern and promoter of religion and the defender of the true faith; that your reign may be happy and undisturbed; that you may always possess the hearts and affections of all your subjects; that you may be the guardian of the liberties of Europe, the support of the protestant interest, and the blessed instrument of relief to our suffering brethren abroad; that all divine blessings in Christ Jesus may be plentifully dispensed to your majesty, to our most gracious queen, to the prince, and all your royal family: and that it may ever be the happiness of Britain to have a prince of your royal line to sway the sceptre, are the ardent prayers of the ministers and elders met in the commission of the church of Scotland," &c. &c.

This address was of course afterwards approved of by the general assembly, who repeated similar sentiments of devotion to the crown, whose influence they have ever lent themselves to promote, and who, in return, has ever shown the utmost readiness to support their establishment and forward their interest; nor perhaps would it be easy to parallel any connection between church and state in the annals of christendom which has been productive of equal advantage to both—so easily managed, and conducted with so little expense to the people, notwithstanding all its abuses.

Freed from the calamities of war, Europe enjoyed a short breathing time, and there appeared in Britain no party sufficiently strong to threaten any interruption to her internal repose. The king, while his popularity remained unshaken, was crowned, together with the queen, amid the acclamations of thousands, on the eleventh day of October, and the customary addressers used their wonted licence in prophesying, and wishing a long, a prosperous, and a peaceful reign. About this time, all direct communication between the pretender and Scotland suffered a syncope, and the failure of their intrigues seems at last to have awakened the jacobites from the ridiculous dream of imposing a bigoted papist upon a nation, an immense majority of whom were utterly averse to him; yet a

few inveterate enthusiasts directed their attention to thwart the schemes of national improvement, which they imagined might tend to reconcile the people to the house of Hanover.

A considerable capital had been subscribed for improving the fisheries, which had turned out an unwise speculation. The superior experience and skill of the Dutch—who were not only better acquainted with the method of curing and packing, but possessed advantages from building their own boats and manufacturing their own nets and cordage, of which the Scottish company were destitute—drove them fairly out of the market. But the Scots, who could not understand how they should be rivalled in their own waters and upon their own coasts, were willing to believe that the failure originated in the want of encouragement from the government, rather than in want of skill among themselves; and the jacobite zealots seizing upon this propensity, as they obtruded themselves into all public co-partnerships, created a violent schism in the company, which was only terminated by the flight of Lockhart, and the resolutions of the managing committee to divide the funds, or apply them to some more profitable undertaking.

More insuperable barriers to peaceful occupations, however, existed in the structure of highland society, for the natives possessed as yet a strong aversion to strangers residing among them, or to any alteration in that reaving mode of life which cherished warlike habits, and rendered them ready and fit tools for any desperate adventurer;—this was particularly exemplified in the case of sir Alexander Murray of Stanhope. Friendly to the cause of James, he was yet fully aware of its being desperate, and when applied to a little before this to manage a correspondence with the clans, having made his peace with the government, refused again to engage, although he expressed his willingness to draw his sword when he should see such a general movement as would give any reasonable hope of success. He rather resolved to improve his fortune in what he deemed a safer concern, although it turned out, from the savagism of his neighbours, of little advantage. Having acquired a

considerable knowledge in mineralogy, he traversed the highlands in the hope of discovering some of the rich ores with which these mountainous regions are supposed to abound. In several places he found great appearances of lead, particularly in the lands of Ardnamurchan and Sweenard, which belonged to Campbell of Lochnell. These lands he purchased, and successfully opened some highly promising mines at Strontian; and at the same time introduced an improved mode of cultivating the estate. But he was a stranger in the country, and the people upon the ground considered him as an intruder, and themselves still vassals of their former chieftains, who possessed the whole surrounding district. His cattle were in consequence stolen with impunity, his houses burned, and his own life and that of his family threatened. In vain he attempted to prosecute before the ordinary courts, he found it impossible to procure a conviction, and after complaining loudly of the delay or denial of justice, and the protection afforded the criminals, he was forced to abandon all his flattering prospects, and leave the country.\*

But whatever at this period might be the ignorance of the highland serfs, their chiefs were far from being illiterate or uninformed, many of them had finished their education at foreign seminaries, and some of them served a

\* It does not appear that the highlanders were over scrupulous even with some of their own chiefs; "The lordship of Morven," the same writer proceeds, "lies in the extremities of Argyleshire, it belongs in property to the family of Argyle, and is mostly possessed by those of the clan Cameron, who enjoyed these very advantageous farms; some years ago there was some improvement made in the rents, and Mr. Campbell of Craignish was appointed a new bailie and factor for that place. Neither of these alterations were agreeable to these people; a proper occasion was taken to seize the factor and rob him of L.300 sterling of that lord's rents;" and he adds, "if a thing so audacious was attempted against the duke of Argyle, a man so great and powerful in those parts, what could sir Alexander Murray or any other private gentleman expect?"—Burt's Letters, Jamieson's edit. vol. ii. appendix note.—But the Camerons might not consider Argyle as their chief; in these troublous times estates often changed hands, and the dukes of Gordon and Argyle shared the feudal superiority between them.—Stewart's Sketches, vol. i.

few years abroad ; they were, therefore, well acquainted with the state of foreign politics, and perceiving from the relations of Britain that there was no rational prospect of aid from thence, they were quietly submissive to the new king, who did not interfere with their internal affairs ; and the only remembrance they had of the pretender, was of his imbecility. The lowland jacobites, broken and divided by church disputes, were entirely disappointed by the discovery of their correspondences ; and at no time since the revolution did a greater indifference for the Stuart cause appear in Scotland than at the present.

It was also at a very low ebb abroad ; for the report believed among the exiles, that an indemnity would be granted so extensive as to include a number who had hitherto been always excepted, tended much to cool the zeal of those whom suffering had hitherto rendered steady adherents of the forfaulted family ; and even the most prejudiced among them began to espouse the side of Mar and the “ queen.” James was in consequence obliged to part with Inverness, who had become an object of suspicion, but he did it so ungraciously, that it alienated their affections more than his compliance regained their confidence. He thus apologised for the fact in a letter circulated upon the occasion, and calculated rather to vindicate the character of that domestic traitor than to justify his own ; to show that his influence was unshaken, and his recal already resolved upon.

“ Lord Inverness gives himself an account of the resolution he has taken to absent himself from my person ; it is what he has been long pressing me to allow of, but I never would consent to it, seeing how contrary it is to my honour and interest, though I have not thought fit at this time to interpose my absolute authority to prevent it. You know the great and good opinion I have long had of that lord, and it is now with reason augmented by the sacrifice he will make of himself for the good of my family in this conjuncture, which ought to increase his merit with all honest men ; and I hope to have yet soon occasion to show in his person that I am incapable of abandoning my faithful servants.

To my no small concern the outward appearance is otherwise at present, and will be constantly attended with consequences contrary to the good of my service, but I shall endeavour in so extraordinary a case to manage matters so as that they may be it as little as possible. None of my friends ought to be under any apprehensions on this occasion as to their private safety. Lord Inverness' fidelity and prudence I can equally depend upon wherever he is; and I thought it would be an ease and satisfaction to them, as well as a justice to him, to give him, as I have now done, a new and public mark of my favour, that it might be out of the power of my enemys to put any wrong construction upon my giving the seals to another."

Pleased with his concession, and before being informed of its insidious nature, the pretendress, by the advice of her friends, had determined to rejoin her husband; when he, who had only yielded to necessity, received the intelligence of George's death. Conceiving from this occurrence, and from the false ideas he entertained of the strength of his party and his personal influence in Scotland, that now was the moment for striking a decisive blow; he postponed reconciliation with his wife, which his friends considered of the first importance, and left Bologna, whither his queen was coming, on a goose-chase to Lorraine, which they considered worse than useless. His reveries on the subject are preserved in a letter he wrote to Lockhart when upon his journey.

"As soon as I heard of the elector of Hanover's death, I thought it incumbent on me to put myself in a condition of profiting of what might be the consequences of so great an event, which I was sensible I could never do at so great a distance as Italy; and that made me take the resolution of leaving that country out of hand, and drawing nearer to England, that I might be in a readiness, without loss of time, to profit of any commotion that might ensue in Great Britain, or of any alteration that might happen in the present system of Europe on Hanover's death. At the same time that I left Italy, I despatched expresses to Vienna, Madrid, and Paris, and have already received the return

of that to Vienna, by which it is very plain that the emperor would be very desirous that I could be in a condition of making an attempt without any foreign force, and would not even obstruct my own passing privately through his dominions for that effect, though his ministers declare, at the same time, that since the preliminaries are signed he cannot give me any assistance. The answers from France and Spain are not yet come, but when they do, it is to be expected they will not be more favourable, so that for the present no foreign assistance can be expected; but with all that, the present conjuncture appears so favourable in all its circumstances, that had I only consulted my own inclinations, I should certainly, out of hand, have crossed the seas and seen, at any rate, what I could do for my own and my subjects' delivery; but as, on this occasion, I act for them as well as myself, and cannot hope, without their concurrence, to succeed in what I may undertake in our mutual behalf, I find myself under the necessity of making no further steps without their advice.

'Tis true the disadvantages I lye under are great and many; I have but a small stock of money, scarce sufficient to transport what few arms I have, and what officers I may get to follow me on this occasion. I'm sensible that it is next to impossible that a concert should be established among my friends at home, such as would be sufficient for a rising in arms in my favour before my arrival, and, by what is said, before, the little hopes of foreign assistance will be sufficiently seen; but with all this, many arguments may be brought to authorise our undertaking, which at first sight might appear rash. Our countrie is now—whatever the outward appearance may be—in great confusion and disorder, the people have had time to feel the weight of a foreign yoke, and are no wise favourably inclined towards the present elector of Hanover. That concert, vigour, and unanimity which does not precede my crossing the seas, may attend and follow such an event; and if the chief great powers in Europe are not all my declared friends, there is not one that is my enemy, and that has not a particular interest to wish me on the throne; and were I in



person in Britain, at the head of even a small number of my own subjects, it might naturally alter very much the present system of some or other of them during the time of the congress; but should it once meet, and affairs be adjusted there on the foundation of the quadruple alliance, foreign affairs will take quite another face, and, in all probability, would long remain so, whilst the present elector of Hanover and his son might have time to ingratiate themselves with the English nation; so that all put together, it must be concluded, that if the present conjuncture be slipped, it cannot be expected that we ever can have so favourable a one for acting by ourselves, and that we run the risk of allowing the general affairs of Europe to take such a turn as will probably incline most of the chief powers of Europe to be less favourable to us than they are at present, so that whatever is not absolutely desperate ought certainly to be undertaken, and the sooner the better. I desire therefore that you may seriously think on this matter, and let me have your opinion as soon as possible, and if my going into England be not advisable, whether my going to the highlands of Scotland might not be found proper."

This letter was conveyed by Allan Cameron, who informed Lockhart that he was not only acquainted with its contents, but with the king's private opinion and inclination;—and that his majesty, notwithstanding the certainty he had of no foreign aid, and likewise that there was neither plan nor preparation at home, seemed resolved to repair to the highlands and make the best stand he could, with such as repaired to him.

Struck with the folly of the project—perhaps suspecting treachery—Lockhart immediately inquired if Inverness was with his master, and learned what he had previously suspected, that although not actually present, he was always so near that James might have the advantage of his council when he wished it. He then asked Cameron, who had acted as an emissary in the highlands, whether he actually believed that the highlanders would rise heartily

for or with the king ; and if he thought the want of arms, ammunition, and money, would not be an irreparable impediment? Cameron answered—" He could not say they all would rise, but certainly some would, and as for arms, ammunition, and money, they might be sent after his majesty, who, he did not doubt, might be able to make a stand for some months at least."

Indignant at the callous reply, Lockhart expressed his astonishment, how he, who knew the state of the highlands, and the general concert and resolution of not again going to the field till they saw England actually engaged, could advise " the king " to throw away his person, and expose the country, and his truest friends, to certain destruction. " The king," he continued, " might indeed expect that some would venture all in any undertaking when his majesty was personally present, but as matters stood these would not be numerous, and a majority would consist of a parcel of idle fellows who might be induced by the hopes of plunder to repair to his banner, but in time of need would leave him to the mercy of the government forces, which would be poured in upon the high lands to ravage the country and exterminate the inhabitants. A pretext only was wanted, which an ineffectual rising would give, and they who advised it, either did not know the true state of the king's affairs, or betrayed him, being wearied of his service, or in correspondence with his enemies."

Cameron, without noticing Lockhart's remarks, coolly replied, " that the king was of another mind, and keen to be at it, and wished to know if he would accompany him." Lockhart, before answering, asked whether Dunbar and Inverness were to be upon the expedition? And upon being told that the one was to remain in Italy to wait upon the " prince," and the other to manage affairs with foreign powers—replied, " if the king commanded him to attend him he would obey though he thought it a rash destructive undertaking. But he should have had a much better opinion of the two last named lords, if they had thought

fit to run equal hazard with the king in a project of which they so much approved."

In this manner the conversation ended, but as Cameron set off next day, for Lorraine, Lockhart who justly deemed it of the utmost importance to prevent so imprudent a measure, of which he seems now to have been aware, that government would be early apprised, reiterated his objection in the dispatches he transmitted the pretender. "Nothing," he remarked in a well written remonstrance, "could have surprised me more than my accidental meeting with the bearer, but the account I got from him of you and your late resolutions, being what indeed I did not in the least imagine or expect. This subject of yours is a matter of the greatest importance, and though it was very natural for you to desire to be in a condition to make benefit from any happy circumstance that might occur, yet I am much afraid nothing of that kind is likely to happen at this juncture. I have no intelligence from t'other side of the sea, but by the public letters 'tis plain that the people of England are intoxicated at present, having forgot their late ailments by the (ill-grounded) hopes of a better management, and till they find themselves disappointed I can form no hopes from them, especially seeing you have no prospect of what you and all your advisers judged essentially necessary, even under the fairest views, for your support and the encouragement of others.

And as for the other part of the country, they can't possibly do any thing without being provided with the many material things they want, and ere it can be done, much time and many difficulties must be surmounted, during which opposite preparations will be made on all hands. I readily grant 'tis a notable advantage to give the stroke in the beginning, lest affairs at home and abroad grow worse and be united; but then, even under this consideration, this is not to be attempted without necessary precautions and provisions, for without these, such, or indeed any attempt, would be too desperate, and without miracles from heaven, prove the utter ruin of all future hopes.

I believe the people in Scotland are much as I left

them, that is, very well disposed; but withal so overrun and oppressed, that it is impracticable for them to do any thing but jointly and in concurrence with their neighbours of England, and I am pretty well assured that that nation is so established and fixed in their minds that they will scarce, in any event, desert from it, so that all depends on the English; and for you to venture either to Scotland or England, without an absolute assurance of some support, may prove pernicious to yourself, and fatal to all that wish you well."

The chevalier, whose courage was subject to great variation, upon receiving this epistle, and taking a sober review of his affairs, perceiving that he could expect no assistance from abroad, and finding as little encouragement at home, laid aside his design of attempting Scotland, and sorely against his inclination, left Lorraine and returned to Avignon, to contend with his wife, and hang upon the pope. Here Lockhart renewed his solicitations to him, to endeavour if possible to be reconciled to his lady, and again live together, in order to remove the stigma their separation occasioned, and the hurt it did to the cause. He also informed him in direct terms of the treachery of those he intrusted with the management of his affairs, and in whom alone he reposed any confidence. But on neither of these points could he prevail; the pretender, with an obstinacy, meanness, and duplicity, worthy of his parentage and education, resisted every proposal for his advantage, and merited his fate. Fortunately these transactions are preserved in his own correspondence, and recorded by one as entirely and disinterestedly devoted to his family as ever existed; and while they exhibit the faithlessness and utter incapacity of the man the jacobites would have placed on the British throne; they exculpate the friends of the protestant succession from the charges of having exaggerated the defects of his character, or of unreasonableness in their entire aversion to his house.

In answer to a letter that Lockhart, now an exile for his sake, had written him, in which, taking it for granted upon the information of James's new secretary, that his domestic

quarrels were abandoned, he thus expressed himself—"with all my soul I wish you and the queen a merry meeting, and much mutual lasting comfort; as I will always join with others, your good subjects, in detesting those miscreants that have been any way accessory toward promoting and continuing a misunderstanding so fatal and pernicious to yourself, your family, and subjects; and I cannot but offer it as my humble advice, that all prudent means be taken to prevent the like for the future, it being impossible to express the prejudice it did and would do to your service many many ways."

The following royal statement, designed to be shown to all his friends in Scotland, was sent—"I have seen for some time past so little appearance of my being molested here this winter, that though the season of the year was too far advanced to send for my children, yet I sent for the queen to come here, giving her such lights, directions and encouragements as were sufficient to dissipate any apprehensions she might have in relation to her passage, on account of the conduct the French are obliged to hold in public, on this occasion, towards me; but all I could say or do could not prevail upon her to come, and by the circumstances which have preceded and attended that refusal, it is easy to see that cardinal Alberoni, and her other directors, are resolved never to want a pretence to prevent a solid union betwixt us, and to make use of her in the mean time to distress my affairs as much as possible; had she come now it might have been a great means to have fixed me here, as I much apprehend her remaining in Italy may not a little facilitate the endeavours of them who wish me removed. I desire you will find means to transmit this account of my present situation to my friends in Scotland."

Clementine's reasons, however, for not leaving her friends at Bologna, which her husband unhandsomely concealed, were neither capricious nor trifling. She communicated them to lady Southesk, who was returning to her native country; and as she made them no secret, the accusation of wilfulness which James wished to fix on his lady recoiled with double vengeance on himself. They were:—first, that

she did by no means think her children in such good hands as she in prudence and kindness could leave them; next, that the cardinal Polignac had lately notified to the pope, that his master the French king had given orders to seize and stop her, if so be she entered into his dominions with a design of repairing to the “king” whilst he remained at Avignon, and her friends did not approve of her running the hazard of a trial whether or not the French king was in earnest; and, lastly, on a surmise that the earl of Inverness was as much as ever in the “king’s” favour, and in a little time would be recalled, the cardinal legate of Bologna had written earnestly, desiring that “his majesty” would satisfy the “queen” in that article, which he declining to do, gave her too good reason to apprehend that it might probably come to pass when they were altogether at such a distance from her friends in Italy, and she had no person to advise with and countenance her. “Her majesty” therefore, from the danger to which her person would be exposed, and the badness of the season, desired the king would excuse her attempting the journey at that time, and till it appeared how matters were likely to cast up.

The inexplicable fatality which attached the Stuarts to favouritism, was the hereditary curse and final ruin of their house, and it is only matched by the blind idolatry which, notwithstanding all their deceit, some of their adherents paid at their shrine;—like the worship of the heathen, more fervent in proportion as the objects became more base, and the sacrifices more bloody, costly and ruinous as the altars became more despicable and vile. Few of the worshippers were more devoted than Lockhart, yet even his zeal was cooled by discovering the supreme ascendancy which the unprincipled minions held over the pretender’s affections; and which was perhaps more flagrant, when, in spite of an exposure of their treason, the traitors were trusted, than even when they triumphed over the ties of conjugal relationship.

He had repeatedly hinted his suspicions of the integrity of the chief managers about James; but his interference had only produced stronger marks of confidence. At last

he plainly denounced them to the court of Avignon, though not by name:—"I received lately information from a particular friend, that he was assured that the ministry of London were masters of copies of most, if not all, the cyphers by which you, and such as are employed under you, correspond with your friends in Britain or elsewhere, and that by one of these they uncyphered the letters lately seized in Scotland." And then, after mentioning the contents of the letters, he adds, that "these cyphers came from the fountain-head abroad; that the ministry have had them for some time, waiting for an occasion to use them; that they keep this as a secret in the hands of very few, but that his informer had access to know such things, and told them to him as he imagined with a good intention, and that there was scarce any, the least reason to doubt the truth of the information."

James, in spite of demonstration, refused to believe any thing to the disadvantage of his secretary; acknowledging the receipt of this information, he calmly tells his informant, "I own to you it did not give me much uneasiness, for I was very sure of my secrets while Inverness served me, and I hope I am not less so now. The English government of late has been very solicitous to make people believe that my secrets are betrayed, since they are sensible that such a persuasion must create great diffidence towards me, and by consequence much distress my affairs, and therefore it must always be of use to me to remove such jealousies—[also] to know who was the person that gave you these informations, and I wish you could learn from him who was his informers, and the way it is pretended that the English government got my cyphers, and what particular ones they pretend to have."

Lockhart was "extremely glad to learn that his majesty had such good reason for not believing that he was betrayed, but wisely declined mentioning the names of the persons from whom he had received the accounts, nor could he allow himself to assent to their complete falsehood, although in some minor points they might prove inaccurate." Being now perfectly satisfied with his trip to the

continent, he was anxious to return home, and his friends were busy negotiating for him, he therefore waived farther correspondence with his majesty, after having in a dutiful, but plain and explicit manner, expressed his opinion of his conduct. To this epistle he never appears to have received any reply; and his friends, the duke of Argyle and his brother, and Duncan Forbes, procuring him liberty to return to Scotland with safety, he availed himself of the opportunity, and retired from public life.

When in London he discovered the whole knavery of Inverness, and the junta by whom the weak and wrongheaded exile was preyed upon and deluded, and his apology for withdrawing from his service, must afford matter of high congratulation to every true-hearted Scottishman, that the country escaped the thralldom of such a ruler. "The king," says he "I am afraid daylie loses ground. He began the world with the general esteem of mankind; every person, friend and foe, allowed him [supposed him] to be a wise, sober, just, good-natured prince, of great knowledge and application in business; and such as knew him, both foreigners and subjects, concurred in portending the happiness of that people over whom he should rule, and this character he maintained whilst the duke of Mar was at the head of his affairs after his return from Scotland. 'Tis true he was thought to put too much trust, and show too much favour towards his grace, so as all matters were directed solely by him, whereby the duke of Ormond, and several other persons of quality, thought themselves slighted and retired from the court; yet still affairs were managed with a good decorum and dexterity, and several well laid projects carried on, and prudent negotiations set on foot, and people excused the king's having a byass towards a person that had made so great an effort for him, and who was certainly a very able minister, though not free from that ambition which overrules the minds of most statesmen, by endeavouring to monopolize all power into their own hands. But soon after Mar's removal, his majesty's character and affairs appeared in a quite different light; great blunders



were committed in the execution of affairs in Scotland—and the same was alleged and may be reasonably supposed elsewhere—so that people soon saw that they were not carried on with the dexterity and secrecie as formerlie; but that which struck the nail on the head was his allowing these his favourites—(which seems to be a curse in a peculiar manner entailed on the royal race of Stewart)—to rule under him, in so absolute arbitrary a manner, that for their sake, and on their account, the prerogatives of a sovereign and a husband are skrewed up to a pitch not tenable by the laws of God or man, or consistent with prudence; in so far as the royall consort, the mother of the royall issue, and subjects of the best quality and merit, who had served the king with their blood and fortunes, are trampled upon and abused by a parcell of people who never were nor will be capable to do the king any material service, and are contemptible in the sight of all who know them, and at last forced to seek a sanctuary in some other place, and on that account deprived of the small pensions they received for supporting themselves after having lost all for their king. And as all these continued steps of unaccountable proceedings were contrary to the repeated prayers and remonstrances of his majesty's best friends, princes, and subjects, they gave the world a very unfavourable opinion of his prudence, justice, honor, and gratitude, and highlie discouraged such as were inclined and capable to advise and serve him, and created an universal despair of ever seeing a probability of better daies. And thus whilst no party is acting for his interest, no projects formed, nothing done to keep up the spirits of the people, the old race drops off by degrees, and a new one sprouts up, who, having no particular byass to the king, as knowing little more of him than what the public newspapers bear, enter on the stage with a perfect indifference, at least coolness, towards him and his cause, which consequently must daylie languish, and in process of time be tottally forgot.\* Such were the melancholy prospects of the pretender in the year 1728.

\* Lockhart Papers, vol. ii. p. 464, et seq.

On the twenty-third of January one thousand seven hundred and twenty-eight, the new parliament of Great Britain assembled, when Arthur Onslow, venerable for years, experience and worth, was chosen speaker of the house of commons. The elections had gone on smoothly, and the returns were on the whole agreeable to the ministry, who met them with confidence, although unprepared to realize any of the brilliant promises with which they had cheered the expiring days of the last assemblage.

His majesty, in his opening speech, “ was unable to announce the consolidation of peace, but by his last advices from abroad he had every reason to hope the difficulties which had hitherto retarded the execution of the preliminaries, and the opening of the congress, would soon be entirely removed; but until then it was absolutely necessary that the nation should not relax their preparations, nor, by lowering their imposing attitude, endanger their own security, or the repose of Europe. His first and most anxious care, he assured them, would be to reduce the expense of the public whenever the interest of his people or their safety would permit. He expressed an anxious desire that the liberty of the whole might be preserved without encroaching on individual freedom; and therefore recommended the adoption of some scheme for the effectual encouragement of seamen, by which they might be induced voluntarily to enter, rather than be pressed into the service of their country.”

Soothed by these promises of economy and reformation, both houses voted addresses breathing the most ardent affection, and confiding loyalty, hailing him as the best of kings, and blessing him as the father of his country, epithets by which the courtesy of public bodies always anticipate, though sometimes prematurely, the untried characters of one-year-old sovereigns. In voting the supply, the commons justified their professions by their liberality; yet did not the items pass without remark. A petty German duke [Wolfenbuttle] subsidized for three years to guarantee to his Britannic majesty the possessions of his three kingdoms! was too ludicrous to escape a sarcasm, nor did the graver charge for maintaining twelve thousand Hessian

troops go more quietly to rest: but the argument of numbers was unanswerable, and all grumbling was hushed, by his majesty's gracious observation on receiving a state of the public credit. "That the provision made for gradually discharging the national debt was now become so certain and considerable, that nothing but some unforeseen accident could alter or diminish it; and the sinking fund afforded the fairest prospect of seeing the old debts discharged without any necessity of incurring new incumbrances."

Early in May the general assembly of the church of Scotland met, the earl of Loudon again commissioner, and Wiseheart, principal of Edinburgh college, moderator, their time and attention were chiefly engrossed by professor Simpson's business. The debates were long and metaphysical upon abstruse points of scholastic divinity, into the inextricable labyrinths of which his friends the moderates wished to lead his accusers, and leave them bewildered in the maze; but they were met by equal acuteness, and the points at issue were reduced to distinct tangible charges, which, after innumerable shiftings and turnings, explanations and evasions, were found proven against him. 1st, His denying the necessary existence of our Lord Jesus Christ; 2d, his teaching his scholars that the necessary existence of our Lord Jesus Christ was a thing we knew not; and 3d, that the term necessary existence was impertinent, and not to be used in talking of the Trinity; 4th, his teaching as his own opinion that the three persons of the Trinity are not to be said to be numerically one in substance or essence; 5th, his teaching that the terms "necessary existence, supreme Deity," and "the title of the only true God," may be taken, and are by some authors taken, in a sense that includes the personal property of the father, and so not belonging to the son; and that though he said that "necessary existence, supreme Deity," and the title of "the only true God" might belong to the Son in such a sense as included not the personal property of the Father: yet he told not what that sense was, but without doing so, he inculcated the foresaid distinction as a caution that might be necessary for students, in reading

both ancient and modern authors, whether friends or adversaries to the truth." The final decision of the professor's case was, however, through the interest of his supporters, delayed till next assembly.

Although the preliminaries had been agreed upon, peace had not been settled, and the various interests of the several powers were so intermingled, that the congress opened at Soissons, for determining all their disputes, proved ineffectual. Another change had taken place in the relative state of the various parties, France and Spain had reverted to their natural union, and the latter entered into strict alliance with Portugal, strengthened by intimate matrimonial connections: A Portuguese princess being betrothed to the prince of Asturias, and the Spanish Infanta to the prince of Brazil. Spain became thus indifferent with regard to a pacification with Britain, whose fleets lay inactive and unmanned by an epidemic in the West Indies, while the cruizers of the other insulted her flag, and committed depredations on her commerce with impunity.\*

In this situation public affairs stood when the British parliament assembled, on the twenty-first day of January one thousand seven hundred and twenty-nine, and they furnished the ministry with plausible pretexts for requiring fresh supplies. His majesty in his opening speech, pressed the necessity of being prepared to act with vigour should his pacific intentions be frustrated, and hinted that the delays of the imperial and peninsular courts originated from the expectations of creating dissension among his subjects.

Addresses followed, promising every requisite aid. But the foreign subsidies and standing army were vigorously opposed, the one as being uselessly extravagant, and the other as dangerous to liberty. Paying German princes for keeping up their military establishments, to defend themselves or preserve the peace of the continent, was ridiculed

\* In December this year prince Frederick arrived in England from Hanover, where he had hitherto resided, and was created prince of Wales.

as detrimental, not more to the purse than to the character of Britain, as not less opposed to her interest than to her policy, whose walls were the ocean and her strength the navy. The preference given to the land over the sea force became too a subject of clamorous invective, which was heightened by accounts of the inhumanities committed by the Spaniards upon the crews of the ships they had seized. Petitions on this subject were presented from London, Liverpool, and various parts of the united kingdom to the house of commons, and excited violent debates in Parliament; for they were generally reputed the fruits of negligence, incapacity, or want of vigour in the government, who were more anxious to secure a petty principality than the vital interest of the empire. The king, by a message, promised to procure redress; and the commons gratefully voted an additional fifty thousand pounds to the civil list. Public business being thus satisfactorily finished, the king, after appointing the queen regent in his absence, set out for Hanover, (May 17,) to visit his hereditary dominions, and settle some trifling dispute that had arisen with Prussia upon the subject of kidnapping.

His majesty left England in a state of perfect tranquillity, but Scotland continued to be agitated by polemical disputes, which were entered into by the people with a keenness and interest of which there are not a few examples in later times upon subjects of comparatively less moment. Professor Simpson's suspension had been submitted to the presbyteries for their consideration, of whom a number were for deposition, and the current of public opinion ran in favour of the severer sentence. When brought before the assembly of this year for their final decision, his friends dreaded that a majority of the ministers, who had not yet learned to despise the sentiments of the country, would carry his entire deprivation from office, and inflict such a censure as would prevent him from being ever restored; they therefore strained every nerve to avert the calamity, and his opponents were not less active to redeem the church from the charge of encouraging heresy. During eight days the affair was debated in the assembly, which was crowded at every

meeting by anxious spectators; besides which the several parties held daily their separate meetings, to concert their measures of attack and defence. At length the moderates carried to refer it to a committee to bring in an overture about it, and an overture was accordingly brought in for simply approving of the previous proceedings, which the committee wished should be passed as the unanimous sense of the assembly, without being put to the vote, and in which numbers who had been keen for deposition seemed, for the sake of peace, inclined to acquiesce.

After it was read, the moderator\* having asked if the assembly were agreed, there was a profound silence for a few moments, and no one appearing inclined to interrupt it, Mr. Thomas Boston rose and spoke to the following effect:—"Moderator—I find myself laid under a necessity of declaring my dissent from this decision of the assembly, as I think the censure inflicted by it on professor Simpson is not adequate to the offence he has given as to the points of doctrine that have been proved he taught the students under his care, and have been found relevant to infer censure. I cannot help thinking, sir, that the cause of Jesus Christ, as to the great and essential point of his supreme deity, has been at the bar of the assembly requiring justice; and as I am shortly to answer at his bar for all I do or say, I dare not give my assent to the decision of this act; on the contrary, I find myself obliged to offer a protest against it, and therefore, in my own name, and in the name of all that shall adhere to me, I protest." When he had pronounced these words, all continuing still, he looked round the house with an air of solemn majestic gravity which some who were present declared they would never forget; then, after a little pause, added, "And for myself alone, if nobody shall adhere!" On which the moderator endeavoured to dissuade him from disturbing the unanimity of the decision; but Mr. Boston was not to be diverted from his purpose, and having his protest ready, he formally, and with an audible voice, read as under:—"I dissent, as judging it, inasmuch as it doth not bear a deposition of Mr.

\* The earl of Buchan was commissioner, and James Alston, minister of Dirlerton, moderator.

Simpson from the office of the ministry of teaching and preaching the gospel of the blessed God, to be no just testimony of this church's indignation against the dishonour done by the said Mr. Simpson to our glorious Redeemer the great God and our Saviour, and what hath been found both relevant and proved against him by the two immediate general assemblies; and judging the same also not to be agreeable to the rule of God's word in such cases, nor to the form of process established in this church, to be saddening to the hearts of the generality of ministers and godly through the land, and not sufficient to dash the hopes of the proud contemners of revealed religion and the awful and incomprehensible mysteries of the same, both at home and abroad; nor a fit means to bring the said Mr. Simpson himself to repentance, whereof as yet he hath given no evidence. All which shall be fully manifested to the world, if need be."

As soon as he had finished, the moderator addressed him, and told he hoped he would not do any thing that would tend to create division in the church, where there was such an appearance of unanimity, and requested that he would not insist upon entering his protest; on being assured that this should not preclude his insisting upon it at some future period, he consented to delay, and, by the advice of his friends, was persuaded not to revive it. At next meeting he thus announced his resolution,—“Moderator, I have, according to your desire considered again my dissenting from the sentence and decision of this venerable assembly in the affair of Mr. Simpson, and as it was of no design to break in upon the peace of this church, but for the necessary exoneration of my own conscience, that I did formally dissent in that matter, so I can see no ground to retract it, and am far from retracting the same. Yet, forasmuch as the marking of it in your records, which is the only thing that now remains in that matter, is judged by my very reverend fathers and brethren of this assembly to be of dangerous consequence to the peace of this church, which I think myself obliged in conscience to be very tender of, I do not insist for the marking of it in your records; but

having the dissent, as I declared it, by me in write, from which I read it before this venerable assembly, and having also in writing what I have now delivered, I am resolved, through grace, to make such use of the same afterwards as pressing necessity may in any undesirable event require." Having so said he sat down, and the house testified their approval by silent acquiescence, Mr. Simpson's friends, pleased that the business should thus be allowed to rest, and the others regarding it as a salutary warning to prevent any attempt being made for his restoration to office; but it afforded a bad precedent, which was not allowed to remain long singular, for refusing to record protests disagreeable to a majority; and instead of promoting the peace, hastened that grand division in the church, which, through much strife and contention, was destined to preserve the spirit, while it rent the body of presbyterianism in Scotland. To this assembly was produced a letter from the dutchess of Gordon,—whose faith appears to have been thought dubious, from the suspected deism of her father,\* and the lurking papistry of her husband's relatives,—affirming the sincerity of her profession of the reformed religion, and her determination to educate her children in the same persuasion, which the assembly heard with great pleasure, and ordered a respectful answer to be delivered in their name to her grace, by a deputation of three ministers and two elders.

Aversion to war has seldom rendered a British minister popular, and the national predilection in all disputes, for having recourse at once to the ultimate appeal, has made them often more willing to forgive an active, forward, though unfortunate premier, who exhausts his country in fruitless expeditions, than one who would rather negotiate than fight, and is less sparing of money than of blood. Sir Robert Walpole, therefore, whose policy was pacific, was seldom a favourite with the multitude, and his administration always furnished ready and popular topics of invective to his opponents. Unwilling to plunge again into hos-

\* She was daughter of the famous earl of Peterborough.



ilities when the congress at Soissons proved abortive, he transferred the negotiations to Seville, where a treaty was speedily concluded between Britain France, and Spain. Peace was announced to parliament, which re-assembled early in January one thousand seven hundred and thirty, and the houses were gratified with the assurance, “that all former conventions made with Spain in favour of British trade and navigation were renewed and confirmed; that the free uninterrupted exercise of commerce was restored; that the court of Spain had agreed to an ample restitution and reparation for unlawful seizures and depredations; that all rights, privileges, and possessions belonging to Britain and her allies were solemnly re-established, confirmed, and guaranteed, and that not one concession was made to the prejudice of the nation.” Addresses of approval were carried by large majorities; but when the treaty itself came to be discussed, objections were started against an article by which British merchants were obliged to make proof of their losses at the court of Spain, as uncertain, expensive, and dishonourable; and another which guaranteed the dukedoms of Tuscany and Parma to Don Carlos, as tending unnecessarily to involve the nation in interminable quarrels about matters in which they had no concern. The standing army in time of peace was, however, the grand rallying point of opposition during this and several succeeding sessions of parliament.

Little more than thirty years had elapsed since a British house of commons had refused to entrust their deliverer with a permanent force of six thousand men, though the power of France was unbroken, the party of the pretender in its vigour, and the array of the highlands proud in the remembrance of Killiecrankie; yet now when France was friendly, the jacobites insignificant, and the clans smarting from the defeat of Dunblane, twelve thousand foreigners were kept in British pay, and nearly eighteen thousand native troops on the home establishment. The contrast was too striking to pass unnoticed, and the defenders of the measure were reduced to the alternative of advancing inconsistencies, or yielding in the argument,—they preferred the former

horn of the dilemma. They alledged that the peace they extolled was unstable, the discontented at home, far from being despicable, and the northern mountaineers still unsubdued.\*

It was not so easy to answer the objections arising from the dangers to liberty which a military force was calculated to produce. Experience had ever proved that armed servants invariably became masters of the states that encouraged them, and unless human nature were other in Britain than elsewhere, the same consequences were predicted as the probable result of the same conduct; when it was proposed in the house of commons to reduce the number, both sides mustered their strength, and in many a long and furious contest, the subject was stoutly debated, but the result was—as has been from that day to this—that the army list was kept up, and the discussion ended by approving the augmentation. The ministerial or court party urged:—that the liberty of the country was in greater danger from having a popish pretender forced upon the throne, than from any attempt by a prince whose cause was entwined round the freedom of the land, to which he clung for support, and without which he could no more maintain his elevation than the ivy without the aid of their native oak. That troops were necessary to defend him from foreign attack; and being officered by gentlemen of family and fortune, they could never be turned against the cause of their country, as had been proved when James attempted to enslave it. But his majesty had never entertained the most distant idea of encroaching upon the liberties of his subjects, and if he had, the number was too inconsiderable, while the commons kept the means of redress in their own hands; by a single vote they could dismiss them by withholding the means of their maintenance. The state of Europe they contended was altered, and the improvement of the military art such, that, surrounded as they were by veteran armies, it would be more than folly to rely upon a raw militia for protection, and to secure

\* *Vide Appendix.*

safety it was necessary to show that they were prepared to resist aggression. To these arguments the opposition, or country party, replied:—although they had the utmost confidence in his majesty's regard for the liberty of his subjects, they could not help dreading that if a standing army became part of the constitution, another prince of more dangerous dispositions might arise, who would be inclined to employ it for the worst of purposes; for although now commanded by gentlemen of unimpeachable patriotism who had a powerful stake in the country, persons of a very different description might soon supersede them, who would make no scruple in acting as tools of despotism. This had formerly been the case, an army raised by the authority of parliament had turned their swords against it, and destroyed the constitution for whose defence it had been raised; and when parliaments once suffered so large a body of forces to be unconstitutionally kept up, it would not be so difficult to obtain their future concurrence for their supply; ministerial influence would be extended, and the legislative sanction might be more easily either purchased or dispensed with. The militia, they continued, was the constitutional defence of the country, and was as capable of being disciplined as regular troops, had more incentives to courage and perseverance, could be less easily detached, and contained within themselves the guarantee of their good behaviour; and with regard to foreign invasion, however much they might dread it, Britain was peculiarly defended against it by the navy, and their natural defenders, who increased with the prosperity of the country, could never prove detrimental to its freedom!

An attack upon pensioners shared the same fate as the attack upon the standing army, it was debated with violence and long and learned arguments were urged against their being allowed to be chosen members of parliament; yet they continued to increase from that day even unto the present hour. The commons indeed passed a bill for making "more effectual the laws in being, for disabling persons from being chosen members of parliament who enjoyed any pension during pleasure, or for any number of years, or any office holded in trust for them," but it miscarried in the

house of peers; although it is not easy to conceive how a majority of their lordships were convinced that this was not flagrantly increasing the power of the crown. His majesty, at the close of the session, expressed himself highly pleased with the proceeding of his parliament, "who, notwithstanding all the clamour that had been raised, had finished their business without allowing themselves to be biassed by the noise," and adjourned them till January next year.

The dissatisfaction produced by the general assembly of the church of Scotland's proceedings in Simpson's case was augmented by the arbitrary assumptions of their commission. This body, to whom was delegated the charge of settling what business their limited time of meeting did not allow the assembly to finish or overtake, although composed apparently of a pretty equal proportion of both parties, was in fact almost entirely under the guidance of the moderates, as it generally comprised their leading men, who, notwithstanding their designation, seldom betrayed any want of zeal when ecclesiastical power was to be asserted or extended. Not a little of the mischief that now distracted the church, arose from the constitution of the commission:—as a body it was too diffused and too irresponsible, while its quorum, too circumscribed, and which could be easily formed of the members residing usually in and near Edinburgh, was calculated to usurp and actually came to possess the powers of a standing committee, and to engross the greater part of the legislative and executive functions of the general assembly. Into this committee all the officers of state were commonly admitted, and as long as they chose to take an active share in ecclesiastical matters, usually influenced their measures. The consequence was natural, religion became secularised, and their decisions were greatly under political direction, and swayed by political motives; from being the servants they became the directors of the venerable court; and a junta among them, who were either always re-chosen, or influenced those who were, formed a secret board, whose mandates guided the proceedings of the assembly.

The operation of the law of patronage had year after year encroached upon the peace of the parishes, and the number of complaints against the obtrusion of unacceptable ministers had increased in proportion, till the assembly table was loaded with references from the presbyteries. These in general were handed over to the commission, who urged the ungracious task of enforcing disagreeable settlements with a rigour that alienated the affections of many of the worthiest members of the church; placing men in parishes where the whole population was against them, on calls not sustained by presbyteries, and attested only by "notars public;" and assuming the appointment of sub-committees to try and ordain ministers for vacant congregations, not only without the concurrence and consent of the presbyteries and synods, to whom it belonged of right, and who were most competent for the duty, but in direct opposition to their mind, and so hurriedly that they were deprived of any legal remedy. This year is remarkable for the case of Kinross parish, whose subsequent settlement, carried by them with a high and overbearing disregard of popular feeling and ministerial opposition, materially contributed to produce the secession:—a crisis which was hastened by an act of assembly, also passed this season, prohibiting reasons of dissent from being recorded; for thus, instead of being engrossed in the minutes of the different courts, and after a short time forgotten, they were printed and circulated among the people, kept alive their angry passions, preserved the remembrance of their grievances, and encouraged and increased the number of complainers.

Agreeably to adjournment, parliament met again on the twenty-first of January one thousand seven hundred and thirty-one. The emperor of Germany had affected to consider the stipulation in the treaty of Seville, by which Great Britain guaranteed the two Italian duchies to a Spanish prince, as an infringement of the quadruple alliance, and, in consequence, had prohibited the subjects of Great Britain from trading in his dominions; and, in despite of the relief promised to British commerce, the Spanish depreda-

tions were continued, accompanied with circumstances of cruelty as atrocious as ever. Instead of explanations upon these subjects, his majesty in general directed the attention of his legislature to the critical state of Europe, told them the deliberations of the several courts would be much influenced by the nature of their first resolutions, and recommended to them a continuance of that zeal and vigour with which they had enabled him to fulfil his engagements. The houses loyally promised their support without attending to the remonstrances of the opposition, who entreated them to wait till they knew the nature of his majesty's engagements before they pledged themselves to fulfil them. The supplies were, as formerly, contested and granted. The king was again addressed to use his royal endeavours to prevent the continuance of Spanish insult and robbery; and he again promised to procure full satisfaction for the damage his loving subjects had sustained. The bill against pensions was re-introduced by the commons this session, and performed the same circuit that it did in the last. Among a number of other bills, unnecessary to enumerate, one abolishing the use of the Latin language in English law proceedings passed; yet not without considerable opposition, as tending to introduce confusion and delay in the administration of justice, by altering long established forms:—so difficult is it to obtain any reform in long established though flagrant abuses.\*

On the seventh of May the session ended, and his majesty informed the members, in relieving them from their important duties, that peace was now firmly established, and all apprehensions of war removed, by a treaty signed between him and the emperor, which was communicated

\* The English law, besides the various absurdities and abuses which naturally in the course of time arose from political interference, the selfishness of practitioners, and the alteration of national customs, has had some peculiar to itself. The Normans obliged the proceedings to be in French; the monks next introduced Latin; to have made the climax complete, William III. should have ordered the pleadings to be in Dutch, and no doubt the lawyers of our day could have defended the practice.

to the courts of France and Spain. "The conditions and engagements," he observed, "into which he had entered, were agreeable to that necessary concern which the British nation must always have for the security and preservation of the balance of power in Europe."

By the union, the church of Scotland had fortunately lost much of its political importance in the state, by their own conduct the general assembly unwisely weakened their more legitimate influence with the people; the circumstances which led to this last unhappy issue I shall now narrate. The power of a presbyterian ministry is essentially founded on the affection of their hearers, and is radically opposed to that of those overbearing priesthoods, who demand obedience, without inquiry or without reply. It was the fond regard of a people for zealous, humble, and indefatigable ministers, that gave them the strong ascendancy they so long possessed over the Scottish population, but which withered as soon as force was employed to retain it. Of this the elder, more judicious, and evangelical divines were fully aware, while the young, "moderate, rational" preachers were, on the other hand, impatient of "popular clamour."

That clamour, however, had now risen so high about the settling of parishes, that it could be no longer overlooked; and the general assembly of this year [1731] transmitted to the different presbyteries for their consideration "an overture concerning the method of planting vacant churches," when the right to do so devolved upon them; or, according to the clerical phrase, "fell into their hands, *tanquam jure devoluto*," which was to be their rule until a regular law was enacted. In order that the churches might be supplied with well qualified gospel ministers to labour among the people for their spiritual edification, "the presbyteries were to appoint one or more of their number to meet with the heritors, being protestants, and the elders, to elect and call one to be their minister, whom they were to propose to the whole congregation, to be by them approved or disapproved; the disapprovers to produce their reasons to the presbytery of the bounds, by whose determination the entry

of the minister was to be determined." They at the same time remitted to the commission to judge finally in the settlement of Kinross parish.

A call to that charge had been given to a Mr. Francis Craig by the parishioners, but a Mr. Stark had received the presentation; yet although he had scarcely one vote in his favour, and the presbytery had refused to ordain him, the commission ordered the said Mr. Stark to be admitted without delay. This the presbytery refused to do, and appealed to the next assembly; but the commission, without paying any attention to their appeal, proceeded to the settlement by a sub-committee.

At next assembly [May 1732] a strong representation, subscribed by forty-two ministers, against the increasing grievances of the church and the tyrannical usurpations of the commission, was laid before them; in which, after enumerating a number of cases where ministers had been violently intruded against the voice of the people, they lamented the practice as of dangerous consequence, "not only in the cases specified [the West Kirk, Kinross, &c.] but in many others, seeing they might be improven as precedents, and had too visible a tendency to grieve many of God's people, alienate their affections, cause divisions, pave the way for introducing in all corners of the land a ministry utterly unacceptable, and so not fit to edify and rule the flock of Christ, and to wreathe the heavy yoke of patronage about the church's neck, and strengthen the hands of enemies who may design to model the church according to their own mind, and bring in a corrupt time-serving ministry into it, to serve their carnal political interests;" "more offensive, when it is remembered that the intrusion of ministers on congregations was one of the heavy grievances justly complained of under prelatical persecution:" and they therefore prayed the venerable court, "with all due respect to heritors well affected to church and state, to discharge, in time coming, all settlements of vacant congregations without the call and consent of the elders and christian people thereof;" the other leading departures in practice from the principles held by the church of Scotland at



the reformation were also enumerated, and relief prayed for." \* But the paper was not so much as allowed to be heard; and by way of practical improvement, the complaint against the settlement of Kinross was dismissed, and the presbytery of Dunfermline ordered to receive and enrol Mr. Stark as one of their number.

Against this flagrant departure from the received principles of the church, several of the members, "for the sake of exonerating their consciences," protested, and desired their dissent might be recorded; but the majority had no sympathy with such impertinent scruples, and forbade the clerk to enter them on the minutes, or preserve them among the records of the assembly. All inferior judicatories, however, were prohibited in future from making final settlements when appeals were lodged; and with this amendment the overture of last assembly was turned into a standing law of the church.

Denied—in face of the expressed opinion of a majority of the presbyteries†—this regular vent for their dissatisfaction; the dissentients had recourse to another and not less usual mode of disburthening their minds;—they carried their complaints to the pulpit, and spread wider the discontent which the useless rigour of the assembly was intended to suppress. The oldest and most distinguished of their number was Mr.

\* Among other grievances, the following was mentioned;—"Yea, a young minister, appointed to preach before his majesty's commission, had the assurance, even on that solemn occasion, to add to former innovations that of reading his sermon openly, though he could not but know it would give great offence, both to ministers and people of this church, and bring a reflection on the assembly, as if they approved thereof."—Representation and Petition, &c.

† Such procedure was in contradiction to an act of assembly, regulating the manner in which standing acts were to be passed. The 9th act of the general assembly, 1697, appoints, "that before any general assembly of this church shall pass any acts which are to be standing rules and constitutions to the church, they be remitted as overtures to the consideration of the several presbyteries, and their opinion and consent be reported by their commissioners to the next assembly, that they may pass the same into acts, if the more general opinion of the church agree hereto." This act was one of those called barrier acts. Alas! for such barriers.

**Ebenezer Erskine**, now minister at Stirling, who, in a sermon before the synod of Perth, held in October, treated the subject with great freedom, and drew, as was alleged, a cutting parallel between the corruptions and degeneracies of the Jewish priests and those of the ruling party in the church of Scotland, leaving it, however, to the consciences of every one to make the application. For these sentiments, warmly expressed, which, in common prudence, the party ought to have passed over, he was censured, and put under the surveillance of his own presbytery, who were directed to report upon his future good behaviour. Against this sentence Mr. Erskine protested, and appealed to the next general assembly, to which protest a considerable number of the members of synod, and among them, the moderator, adhered. In vain the presbytery of Stirling and Mr. Erskine's kirk-session interposed, by conference and petition, to allay the ferment; the synod persisted in ordering the culprit to be rebuked, while he refused submission and persisted in his appeal.

The high respectability and extensive popularity of the recusant, and of those who supported him, excited universal attention, nor perhaps since the revolution had any religious subject caused a greater sensation in Scotland. The important assembly which was to decide the integrity of the church, met May 3, 1733, and Mr. John Gowdie, one of the ministers of Edinburgh, was chosen moderator. The leading refractory members both of the presbytery of Dunfermline and the synod of Perth, comprehended the remains of the "representers," and their causes might be said to be one. The former was called first. Upon a complaint for sir John Bruce, and others, of the parish of Kinross, against the presbytery of Dunfermline, for their refusing to receive and enrol Mr. Robert Stark minister at Kinross, as a member of the presbytery, in obedience to the act of the general assembly 1732, and two several appointments of the commission in November and March last, a warrant was ordered to be issued for summoning several brethren, members of that presbytery, with the presbytery clerk, to compear before the assembly on Thurs-

day next, at ten o'clock forenoon, to give the reasons why they did not obey the said act and appointments, and some ministers, members of the said presbytery, present at the assembly bar, were cited *apud acta* to that diet. When they appeared, their reasons did not seem convincing to the assembly, who approved of the conduct of their commission, and appointed a committee to confer with the brethren for removing their scruples. The conference, however, proving ineffectual, the committee reported, "that several of the brethren of that presbytery could not agree to any active enrolment of Mr. Stark, minister of Kinross, as a member of their presbytery." On this the assembly ordered them "to retire with all the brethren in town and constitute into a presbytery, and receive and enrol Mr. Stark as a member, and return a particular report of the behaviour of each member," which being done, the assembly found the majority of the presbytery to be for enrolling Mr. Stark, and therefore appointed a second meeting for enrolling him judicially, and named a committee to consider what censure might be proper to inflict upon the disobedient ministers. The censure inflicted was sufficiently severe; the recusant brethren, Mr. James Wardlaw and Mr. Ralph Erskine at Dunfermline, Mr. John Gib at Cleish, Mr. Daniel Hunter at Carnock, Mr. John Geddes at Culross, and Mr. Thomas Mair at Orwell, were rebuked at the bar, and commanded "to own Mr. Robert Stark as minister of the gospel at Kinross, to encourage and strengthen his hand in the Lord's work, to discourage all separation from and non-subjection to his ministry, and strictly discharged from admitting any of the parish of Kinross to sealing ordinances without the consent of the said Mr. Robert." They were at the same time "prohibited from protesting against Mr. Stark's sitting in the presbytery and acting as a member." The commission was empowered to enforce obedience under pain of the highest censures; and to encourage the brethren of the presbytery who had done their duty in obeying the appointment of the assembly, they were to receive any complaint from

them, and to judge and censure any minister or ministers who should give them disturbance.

Having discussed the Dunfermline dissenters, the assembly proceeded to Mr. E. Erskine's appeal. It was not even alleged that this gentleman had, in his offensive discourse, advanced any doctrine in opposition to the Scriptures, or that could by implication be supposed hostile to the church, nor were his expressions harsh but from their truth; yet the assembly, without pointing out an error, without showing or even alleging that he had transgressed any act of theirs, or violated any precept of the gospel, approved the proceedings of the synod, and appointed him to be rebuked and admonished by the moderator at their own bar, in order to terminate the process.

They might, however, have better known the men with whom they had to deal; they were of too long standing in the church, and of too firm principle and nerve to submit calmly to what they believed a solemn act of judicial injustice, and a public mockery of the constitution of presbytery. Mr. Erskine, Mr. William Wilson, minister at Perth, Mr. Alexander Moncrieff, Abernethy, and Mr. James Fisher, Kinclaven, protested against the act, and craved that their protest might be recorded. With this request the assembly not only would not comply, but commanded them to withdraw their paper as irregular, which they refused, and retired. They were then ordered to be cited next day, and a committee was nominated in the mean time to consider the protest and their conduct, and to bring in, by an overture, what might be fit for the assembly to do in the whole affair. When the four brethren compeared, in compliance with the summons, a committee was appointed to confer with them, and to endeavour to persuade them to withdraw their paper and protest, and to submit; but after a long consultation, they remained fully resolved to adhere. The papers were then brought in, read, and recorded as part of the minutes of the committee, together with the overture of the committee, which was adopted as the act of the assembly;—a procedure which has preserved in the registers of

the church the obnoxious documents with more prominence than if they had at first been quietly entered and passed over. They were as follow :—

Protest by Mr. Ebenezer Erskine, and others, given in to the assembly 1733 :—“ Although I have a very great and dutiful regard to the judicatures of this church, to whom I own my subjection in the Lord; yet in respect the assembly have found me censurable, and have tendered a rebuke and admonition to me for things I conceive agreeable unto and founded upon the word of God and our approved standards; I find myself obliged to protest against the foresaid censure, as imputing that I have in my doctrine at the opening of the synod of Perth, October last, departed from the word of God and the foresaid standards; and that I shall be at liberty to preach the same truths of God, and to testify against the same, or like defections of the church, upon all proper occasions. And I do hereby adhere unto the testimonies I have formerly emitted against the act of assembly 1732, whether in the protest entered against it in open assembly, or yet in my synodical sermon, craving this my protest and declaration be insert in the records of assembly, and that I be allowed extracts thereof. Signed EBENEZER ERSKINE. Dated, Edinburgh, May 14, 1733.”

To this was appended the adherence of the other three ministers, which, with the overture of the committee, being read and considered; the assembly, by a very great majority, enacted and appointed “ that the four brethren aforesaid appear before the commission on August next, and then show their sorrow for their conduct and misbehaviour in offering to protest, and in giving in to this assembly the paper by them subscribed; and that they then retract the same. And in case they do not appear before the said commission in August, and then show their sorrow and retract as said is, the commission is hereby empowered and appointed to suspend the said brethren, or such of them as shall not obey, from the exercise of their ministry. And further, in case the saids brethren shall be suspended by the said commission, and that they shall act contrary to the said sentence of suspension, the commission is hereby

empowered and appointed at their meeting in November, or any subsequent meeting, to proceed to a higher censure against the saids four brethren, or such of them as shall continue to offend by transgressing this act. And the general assembly do appoint the several presbyteries, of which the saids brethren are members, to report to the commission in August, and subsequent meetings of it, their conduct and behaviour with respect to this act."

Upon the intimation of this sentence, the brethren attempted a reply. They would have said, "that the venerable assembly, without hearing their defences, had sentenced and appointed the commission to execute their sentence; that of this uncommon procedure they could not but complain, and declared that they were not at liberty to take this affair to an *avizandum*." But the assembly would not listen, and they could only leave a copy of what they meant to say lying on the table.

Conduct so arbitrary on the part of the assembly against men whose conscientious scruples were revered by their congregations, instead of overawing, tended much to strengthen the resistance of the recusants, by producing many public testimonies of approbation, and applications in their favour from the most respectable quarters, from the magistrates of the burghs where they were placed, from their kirk-sessions, and from a number of presbyteries. When the commission met in August, they were assailed by representations of the mischief likely to arise from persevering in measures so much opposed to the decided opinion of the best friends of the establishment; but, equally imperious with the assembly, they refused to hear them; and it was with difficulty even Mr. Erskine's own written papers were allowed to be read,—an indulgence not granted to the others.

Without betraying, as they thought, the cause of truth, the brethren could not acquiesce in the sentence of the assembly, and were suspended from the exercise of the ministerial function in all its parts. What they would not concede to the assembly, it was not to be expected they would give up to the commission: they accordingly protested, not

only in their own names, but in the name of all and every one of their respective congregations, against the sentence, as in itself null and void, and continued to exercise their ministry as before. Their increasing popularity, and the violent ferment that appeared among the people,\* induced a number of the members of the commission to hesitate, and at their meeting in November, when the question was put "delay" or "proceed," it was carried for the latter only by the casting vote of their moderator, Mr. John Gowdie, moderator of last assembly. The highest censure of the church was then pronounced; and Mr. Ebenezer Erskine, minister at Stirling, Mr. William Wilson at Perth, Alexander Moncrieff at Abernethy, and Mr. James Fisher at Kinclaven, were loosed from their respective charges, and declared no longer ministers of the church of Scotland; all whose ministers were forbid to employ them in any ministerial function; their churches were declared vacant, and the sentence appointed to be read from the various pulpits of the different presbyteries, within whose bounds their charges lay, between and the 1st of January 1734.

Notice also was ordered to be sent, by the moderator, to the magistrates of Perth and Stirling, the sheriff-principal of Perth, and bailie of regality of Abernethy.

The deposed brethren met this by a renewed protest, declaring the nullity of this new sentence, notwithstanding which they held their pastoral relation with their respective flocks valid and firm. "And likewise," they added, "we protest that, notwithstanding of our being cast out from ministerial communion with the established church of Scotland, we still hold communion with all and every one who desire with us to adhere to the principles of the true presbyterian covenanted church of Scotland, in her doctrine, worship, government, and discipline, and particularly with all who are groaning under the evils, and who are af-

\* In Edinburgh the interest excited was such, that the doors of the place of meeting were beset long before the hour; and the members could not obtain admission till the magistrates interfered.—*Caledonian Mercury*.

sected with the grievances we have been complaining of, and who are in their several spheres wrestling against the same. But in regard the prevailing party in this established church, who have now cast us out from ministerial communion with them, are carrying on a course of defection from our reformed and covenanted principles, and particularly are suppressing ministerial freedom and faithfulness in testifying against the present backslidings of the church, and inflicting censures upon ministers for witnessing, by protestations and otherwise, against the same; therefore we do, for these and many other weighty reasons to be laid open in due time, protest that we are obliged to make a SECESSION from them, and that we can have no ministerial communion with them till they see their sins and mistakes and amend them. And in like manner, we do protest that it shall be lawful and warrantable for us to exercise the keys of doctrine, discipline, and government, according to the word of God and confession of faith, and the principles and constitutions of the covenanted church of Scotland, as if no such censure had been passed upon us. Upon all which we take instruments, and we hereby appeal to the first free, faithful, and reforming general assembly of the church of Scotland."

Another protest was presented by Mr. Gabriel Wilson, minister at Maxton, and adhered to by Messrs. Ralph Erskine and James Wardlaw, ministers, Dunfermline, John Macclairine, Edinburgh, Thomas Mair, Orwell, Thomas Nairne, Abbotshall, and Jo. Currie, Kinglassie, claiming the right of complaining to any general assembly against this sentence of the commission, of bearing testimony against it and all other defections and severities of the church, and of holding ministerial communion with their dear brethren, as if no such sentence had passed against them. Both parties soon after appealed to the public; the commission, by "a Narrative" of their proceedings in the process; and the brethren, by "a Review" of that Narrative. The public in general sympathised with those whom they esteemed persecuted, and in some cases successfully resisted the churches from being declared vacant, while the



**SECEDERS** insured their separation by constituting themselves into an "**ASSOCIATE PRESBYTERY**" on the sixth day of December one thousand seven hundred and eighty-three.\*

At this period Scotland was still struggling with the disadvantages which had arisen from, or were attributed to, the Union. Her revenue, so far from contributing to the general expenditure, was scarcely sufficient to defray the expense of the local government; and the methods proposed to ameliorate her situation, and render her resources available, as yet tended only to deteriorate the morals of the people, by proposing temptations to their cupidity. In place of minding the improvement of their fisheries and of their manufactures, for which the Union had just opened the most gainful market, it was complained that the people, over-hasty to be rich, by a sort of common consent, fixed their views upon the public revenues as the fund out of which they were to steal their wealth.

Both prohibitory duties and bounties, instead of serving the public, were equally appropriated to purposes of private emolument. By the high tax on foreign articles, the prices were raised to an exorbitant pitch; and if they could be imported free, the gain was proportionably great. All the little traders of small fortune, therefore, jumped at the bait, while the wealthy merchants, unwilling to run such hazards, were forced to retire from a business in which they were vastly undersold by smugglers, whom all the dissatisfied greatly encouraged; and in consequence the revenue was defrauded, and the home manufacture ruined, the produce of the Scottish grain was neglected, while the country was deluged with foreign brandy.† By the same kind of perverseness, the encouragements for exportation were also turned against the country; great bounties were granted upon the exportation of fish cured with foreign

\* This took place at Gairney Bridge, near Kinross. Registers of the General Assembly and printed Acts. Act, Declaration, and Testimony, &c. of the Associate Presbytery.

† Letter to the Convention of Burroughs, &c. Edin. 1731. Upwards of L.20,000 in specie, was annually sent out of the country for brandy alone.

salts; but the bounties became the object of the petty traders' views; all their care was to procure false certificates that should produce debentures. The fish were so starved in the curing, as either to be wrecked in the foreign markets, to the disgrace of the Scottish fishery, or flung overboard to earn the drawback which sufficiently satisfied the unprincipled exporter.

Notwithstanding these grievous complaints, however, the situation of Scotland was certainly, although very slowly, commencing to improve. Linen, the staple, had increased in quantity and beauty beyond the most sanguine expectation; and in the course of five years, the value augmented upwards of sixty-five thousand pounds Sterling, being a gradual yearly rise of from twelve to fifteen thousand pounds.\* Kilmarnock had already become noted for woollen stuffs, known by the name of the place, which were not only in repute at home, but in considerable demand for the Dutch trade. At Stirling, and the neighbourhood, large quantities of serges, and other low priced woollen goods for furniture, were produced. Aberdeen wrought up the rough country wools into coarse cloths, called fingrams; and was famous for knit stockings of all prices, numbers of which were sent to London. Fine shaloons were manufactured from the best wool at Edinburgh, and the Gallashiels kerseys, called Gallashiels grays, supplied the ordinary country wear. Osnaburgs, and other low-priced articles of that kind, employed a great number of hands in Angus, and were exported in large quantities to the plantations. Scottish vessels, laden chiefly with Scottish produce, were beginning to be freighted to Spain, Portugal, and the Mediterranean; and a few ships were em-

\* There were stamped for sale in the year preceding the 1st of Nov. 1728, in the countries in the west and south of the river Tay, 1,047,254½—in the countries benorth Tay, 1,136,723¾—total, 2,183,978 yards linen, value L.103,312, 9s. 3d. Year preceding 1st of Nov. 1732, south, 1,751,038—north, 2,633,794¼—total, 4,384,832¼ yards, value L.168,322, 14s. 10¾d. This is besides cloth made for private use, of which large quantities of high-priced cloth for shirting have been lately made.—Report of the Trustees, 1733.

ployed with great benefit to the nation in the African trade.\* The interior communication with London was becoming more easy: the post went now regularly twice a-week between the capital of Scotland and the metropolis. The former mode of travelling on horseback was beginning to be superseded by coaches, and these were beginning to quicken their motions.†

With regard to the highlands, circumstances appeared for the time to be reversed. While the lowlands were commoved with religious contests and mercantile fraud, they were tranquil, looking on with astonishment at general Wade's progress in executing the great military roads. The space between Fort Augustus and Ruthven being completed on his majesty's birth-day, the occasion was celebrated with great festivity in a little glen in the neighbourhood, where six oxen were roasted whole, and all the working parties, with a number of guests from the independent companies and surrounding country, were regaled by the general, and swallowed the health of his majesty and the royal family with much apparent cordiality.‡

\* Interest of Scotland considered, Edin. 1733. Culloden Papers, p. 114. Caledonian Mercury.

† The following advertisement, copied from the Caledonian Mercury, June 3, 1734, shows the progressive improvement:—"A COACH will set out on the 6th of June inst. for London, or any place on the road, to be performed in nine days, or three days sooner than any coach that travels the road, for which purpose *eighty* stout horses are stationed at proper distances. Or you may have a by coach at any time on acquainting Alexander Forsyth, opposite the Duke of Queensberry's lodgings, Canon-gate." In the same paper, grass parks in Haddingtonshire were advertised to be let at 20s. per acre, and fifteen acres arable land near Trapent, at L.5 Scots per do.

‡ A traditionary story is told of one of these merry makings, where a jacobite, either through ignorance or drink, when "the king" was proposed, roared out "king James;" and a violent royalist, insisting in wrath on knocking him down, or forcing him to bellow "king George;" the rising tumult was quieted by an elderly mountaineer, who interposed, in the true spirit of the tribe, with "Na! na! she's be neither king James nor king George, but king general Wade's health, wha be gies us the liquor." The general was much liked in the north, and gained mightily upon the affections of the chiefs, nor did he disdain, in his excursions, to mingle in the varied society of the hills. "On the day you

Invariable opposition to a government seems to partake more of faction than of patriotism, yet on no one occasion did Sir Robert Walpole's administration meet the support of the "patriots." The parliamentary session of 1732 was an exercise of rhetorical gladiatorship exactly similar to that of the preceding year, and preparatory to a more furious attack in the succeeding one of 1733, on a project of the premier for converting the greater part of the customs into duties of excise. The idea seems to have been suggested by the reports from Scotland, which incessantly repeated the facilities the one afforded for fraud in comparison of the other. These were too gross and palpable to be denied, and too extensive to be defeated by any means the government then possessed. But the cry of "corruption and influence" which was raised against increasing the number of excisemen in England, excited such mobbing and violence, that the minister was forced to abandon the design, although it was calculated to render the revenue more productive, and lessen the temptation to crime. In Scotland, where the excise had always been hated with peculiar virulence, the news of this popular triumph occasioned the most extravagant joy, and the fair, who were then very ardent politicians, had their ribbons and ornaments inscribed with "no excise."\* A vigorous but ineffectual attempt to procure a repeal of the septennial act, was among the last contests of the current parliament, which was dissolved April 18, 1734.

On the second of May the general assembly met, but of a very different complexion from the last. The orthodox party had exerted themselves strenuously to obtain mem-

left us at Ruthven," he tells the lord advocate, "the knight and I travelled in my coach with great ease and pleasure to the feast of oxen, which the highwaymen had prepared for us, opposite to Loch Gary; where we found four roasting at the same time, in great order and solemnity. We dined in a tent pitched for that purpose; the beef was excellent, and we had plenty of bumpers, not forgetting your lordship and Culloden; and after three hours' stay, took leave of our benefactors the highwaymen, and arrived at the hut before it was dark."—Culloden Papers.

\* At the Hunter's ball in the great gallery of Holyroodhouse, this year, all the ladies were thus decorated.—Caledonian Mercury.

bers friendly to their views returned by the presbyteries and the moderates who had brought the church into difficulty were willing to allow their opponents the honour of an attempt to bring her out. Conciliation was accordingly the order of the day. After declaring the acts of 1730 and 1732, forbidding the recording of dissent and for planting vacant churches, which had been the immediate causes of the dissension, to be no longer binding rules in the church, they proceeded to other measures of a healing tendency.

Without reverting to what was past on either side, they empowered the synod of Perth and Stirling to "take the case of the seceding brethren, as it then stood, under their consideration, for uniting them to the communion of the church and restoring them their charges." But with this express direction, that their body "should not take upon them to judge of the legality or formality of the former proceedings of the church judicatories in relation to the affairs, or either to approve or censure the same," and appointed them to meet the first Tuesday of July next, and to use their utmost endeavours to bring the matter as soon as they reasonably could, to a final and happy issue. As restraining ministers from bearing testimony against the defections of the church, was a prominent feature in the process, it was also declared, that due and regular ministerial freedom was not to be understood as in any wise impaired by the late assembly's decision in that business. In accordance with the decrees of the assembly, the synod met at Perth in July, and with one voice and consent took off the sentences pronounced by the commission against Messrs. Erskine, Wilson, Moncrieff, and Fisher, and restored them to communion with the church, to their several charges, and to the exercise of all parts of the ministerial function.

All these concessions were now, however, too late; about the time of the assembly's meeting the associate synod had emitted a testimony to the doctrine, worship, discipline and government of the church of Scotland, in which their reasons for forming a secession, not from the constitution of the church, but from the prevailing party in her judicatories, were stated, and they had expressed it as their opinion,

that it was their duty to continue separate till the others were sensible of their sins and mistakes, and did reform and amend the same; the proceedings, therefore, for their reception again into the bosom of the church not containing any condemnation of the injustice they had suffered, nor asserting the truths for which they contended, they refused accepting the favour offered by the constituted authorities.

With some reason their friends in the church complained that as they had appealed for redress to the first faithful general assembly, they should have delayed any such extraordinary step until the meeting of the next assembly then approaching, for considering how sensibly touched the whole church was with their case, and what preparations were making, they could not be sure but it might prove the reforming assembly they appealed unto. Their views, however, had, as usual with all separatists, expanded with their situation, and they aimed at a reformation more thorough and complete than they had previously contemplated, or than the state of the establishment would admit; they wished to revive the days of the covenant, and proposed the pattern of their ancestors, particularly in the years 1638, 1646, and 1648, when the practical beauties of presbytery were in their bloom, as the exemplar for modern imitation, forgetting or overlooking that the rigid presbyterians had at that time a complete ascendancy in ecclesiastical, and a weighty influence in civil affairs, which their orthodox brethren did not then possess, and that to obtain now the desired reform in the bosom of the church, would have required the united efforts of all friendly to it in their own proper assemblies. Whether by remaining, this object could have been attained, is extremely problematical; that it was not attempted, occasioned a breach between the seceders and a number of excellent men who could not see it their duty to leave the communion of their mother church. The most sedulous efforts were, however, continued on the part of the latter, to lessen their differences.

A deputation of three, sent from the commission to

solicit a repeal of the act restoring patronage, the cause of all the present mischief, being returned without effecting any thing, they obtained from the next assembly, 1735, that two ministers, Messrs. Anderson of St. Andrews and Gordon of Alford, with colonel John Erskine of Carnock, ruling elder, should proceed to London, and by every proper and legal method endeavour to procure redress of that grievance. This embassy was equally unsuccessful; but the assembly exposed themselves to the charge of insincerity in their wishes to get rid of the obnoxious act, as they had the means in their own power for obtaining relief without any application to the legislature. It had been enacted by parliament, 1717, "that presentations given by patrons to vacant churches should be of no effect, if the person presented did not accept or declare his willingness to accept of the presentation given him," which no consistent presbyterian could conscientiously, and which it was supposed no professed one would have the effrontery to do. The supposition had been belied, but it remained with the assembly to withdraw their licence from any preacher, accepting without a previous call, and while they neglected to do this the inference was natural, that an address to his majesty, or a petition to the house of commons was only a hollow pretext to serve a purpose, or to save appearances; of this the seceders accused them, and although they gave credit to a number of worthy men for the best intentions, they considered the majority of the ministers as persons who were entirely ruled by carnal policy, from whom it was in vain to expect any assistance or countenance in attempting to restore the church to its purity.\* When the assembly rose they published their reasons for not acceding to the judicatories of the established church, but forbore for

\* In the "Reasons why Messrs. Ebenezer Erskine, William Wilson, Alexander Moncrieff and James Fisher have not acceded to the judicatories of the established church," they say, "if the difficulties that lie in the way of our accession to the judicatories of the church are not removed, we do not impute it to the intentions or inclinations of many of the worthy members of the last assembly, but to the opposition they met with from some who had an active hand in carrying on or concurring with the former course of defection."

another year from any act which might finally close the door upon their return.

Government candidates, with little difficulty, carried the commons' elections in Scotland, but that of the peers was accompanied by several protests. Two lists had been handed about among the Scottish nobility, one as approved of by the crown, and called the king's list, the other drawn up by an opposition, at the head of which were the duke of Hamilton and the earl of Stair; the former being carried, the dukes of Hamilton, Queensberry, and Montrose, and earls Dundonald, Marchmont, and Stair, protested against the election, because "endeavours were made to engage peers to vote for the king's list," by promises of pensions and places to themselves or their relations, by actually giving sums of money, or offices, of which several were nominal, and releases of debts owing to the crown, to such as engaged to concur in voting for those contained in the list. And because, on the day of election, a battalion of troops were drawn up in the Abbey Court at Edinburgh, which might have overawed the electors, but which certainly rendered the election illegal.

When parliament met, in January [1735], a petition was presented to the upper house by the protesting party, representing the undue methods that had been used as inconsistent with the freedom of parliament, dishonourable to the peerage, and contrary to the laws that direct the elections, proof of which they offered to lay before their lordships. The charge being considered as too general, the petitioners were desired to state the facts and name the persons they alleged to be guilty. The facts they re-stated as in the protest, but declined mentioning names, these they said would appear in the course of the proof, and they did not wish to assume the office of public accusers, their object was to vindicate the constitution of the country, and to assert the dignity of the peerage, not to become the prosecutors of individuals, and thus incapacitate themselves from being witnesses in the cause, an issue which they perceived their antagonists desired, in order that all inquiry might be quashed about so shameful a transaction. The



motion was notwithstanding carried, to name, and the petitioners persisting to refuse, the petition was laid aside, accompanied with a vigorous protest to remain in the journal as a caution for future negociators to be more circumspect.

A petition from the last general assembly, against patronage, was presented to the house of commons, praying for the repeal of the act of the 10th of queen Anne, and to restore the church of Scotland to the privileges she was possessed of at the union of the two kingdoms, and leave was given to bring in a bill for this purpose; which was accordingly prepared by the lord advocate, Duncan Forbes, Messrs. Erskine, Plummer, Sir James Ferguson, and Mr. Hume Campbell, and presented on the 18th by Mr. Plummer; but being coldly advocated and feebly supported, it fell to the ground. An attempt to assimilate the act for preventing wrongous imprisonment to the English habeas corpus act, attracted more attention, and was carried through the lower house, but lost among the lords, by means of the earl of Ilay. This bill had originated chiefly from abuses at elections, where unmanageable voters, who had been arrested upon false pretences and fictitious debts, were sent to a distance from the scene of action, detained in durance till their services were unnecessary, and then dismissed without trial and without recourse. Ilay contended that the law of Scotland as it stood, was sufficient for the protection of the subject, nor could any law be more tender of personal liberty; and he succeeded in persuading a majority of their lordships that any further provision for this purpose was unnecessary.

After the session closed, the king paid his annual visit to Hanover, whence he returned in November, and again met with parliament, in January 1736; their proceedings were remarkable for the repeal of the acts against witchcraft, which had so long disgraced the statute books of both kingdoms; and for refusing to repeal some clauses in the test act, which, if not quite so bloody were equally unworthy a place among the enactments of an enlightened legislature. As usual, the king indulged his predilection for his native dominions, by returning to them during the re-

cess, leaving his queen, Caroline, sole regent in his absence.

This year, the breach between the seceders and the establishment was widened by fresh collision. Their accusation of the assembly's indifference to gospel truth was met by an "act concerning preaching," exhorting ministers to adhere to the scriptural definition of disputed or doubtful points, laid down in the standards of the national church, to "make it the great scope of their sermons, to lead sinners from a covenant of works to a covenant of grace, for life and salvation, and from sin and self to precious Christ; and to insist not only upon the necessity and excellency of faith in Jesus Christ for salvation, but also upon the necessity of repentance for sin and reformation from it, and to press the practice of all moral duties as indispensably necessary, in obedience to God's command, to testify our gratitude to him and to evidence the sincerity of our faith." Unluckily, however, Mr. Campbell, professor of Church History, St. Andrews, in some works that he had published had hazarded several very objectionable positions:—denying the ability of man, by his natural powers, to discover the being of a God; asserting that the law of nature was sufficient to guide rational minds to happiness; alleging that self love was the sole motive of all virtuous and religious actions; and that the apostles had no idea of any other than a temporal reign of Christ upon earth till after his resurrection. These which, when taken by themselves might be construed to convey unsound doctrine, when considered in their connection with the professor's main object to exalt revelation, and the explanations which he gave to a committee, were pronounced by the assembly to be only unguarded and incautious statements in support of arguments pushed too far, and produced merely an admonition to Mr. Campbell, and others, "not to use doubtful expressions in their preaching, propositions, or writings, which might be construed in an erroneous sense." But the seceders, who would only admit of the worst sense of the insulated propositions, adduced this lenient sentence as an additional proof of the assembly's carelessness about their creed; and insisted that the act was a

dead letter in their statute book, there being, they asserted, "as little of Christ to be found in fashionable discourses as in Plato or Seneca's morals."\*

An act "against intrusion into vacant congregations" was also passed, but its merit was neutralized by the same assembly dismissing the complaint of the parishioners of Denny against a sentence of the commission authorising a violent settlement; and their appointing the enrolment of James Pursell, obtrusive minister of Troqueer, by the presbytery of Dumfries, among their members, under circumstances not very dissimilar to those of Mr. Stark of Kinross.

The associate presbytery having now waited for a considerable time to see if the judicatories of the church would lift up a particular testimony against the evils of the present and the sins of former times; from the conduct of this assembly, conceiving the expectation hopeless—for instead of going forward in reformation work, they had visibly gone backward—they emitted, at their meeting at Perth, the 3d of December, "a judicial declaration or testimony for the doctrine, worship, government, and discipline of the church of Scotland, agreeable to the word of God, the Confession of Faith, the national covenant of Scotland, and the solemn league and covenant of the three nations, and against the several steps of defection from the same, both in former and present times." This, after the manner of previous testimonies, contained a brief historical sketch of the church of Scotland, from the reformation to the date of the testimony, noting the different appearances of God for the church, and the persecutions she had endured; and marking the various steps of her backsliding, particularly in doctrine and discipline, which in their own day warranted their withdrawing from the communion of a corrupt majority—who had departed from the purity of principle and practice of the presbyterian church; to rear again the ensign of truth which had

\* The works from which the heretical propositions were extracted, are "*Oratio de Vanitate luminis naturæ habitæ*, 3d April, anno 1733, in communi Universitatis Andreapolitanæ, auditore quoniam Rectoris dignitatem annuam deponeret. Auctor Archibaldus Campbell, S. T. P. et Histor. Ecclesiast. Professor Regius, Ed. 1733. A Discourse proving the Apostles were no enthusiasts; and an Enquiry into the Original of Moral Virtue,"

been lately trodden under foot, and rally round the standards which had been so shamefully deserted by those who had sworn to defend them: it may not, however, be concealed, that among the trodden down truths, the divine right of presbytery as the sole form of church government, was strenuously contended for, while the sin of toleration was deplored, and the repeal of the penal laws against witchcraft lamented over.

As smuggling still continued to be viewed by the Scottish population in general rather with approbation than dislike, and involved neither dishonour nor disgrace, while contraband goods were openly retailed with large profits, persons not otherwise disreputable eagerly engaged in illicit traffic, and the dangers and risks attending it even presented allurements to daring spirits. Numberless instances of stratagem, seizure, and reprisal, are preserved in the traditionary lore of our sea coasts; but the affair of this kind following, will long be remembered as originating a riot which must stand singular for its concert, audacity, and success, beyond any thing of the kind upon record in the annals of any well regulated realm, of the actors of which no trace could be found, and for whose detection the most tempting rewards were offered in vain.

One Andrew Wilson, Pathead, Kirkaldy, who had lost considerably by seizures in the way of his business, engaged George Robertson, innkeeper, Bristo, Edinburgh, in an attempt to get back what he considered his own. Having hired some associates, they watched the collector of the district on the 9th of January 1736, who had been upon his circuit, and breaking into the room where he slept at Pittenweem, robbed him of a sum about the same in amount that had been taken from themselves; but, acting without the smallest precaution, they were apprehended the same evening, and the whole of the property recovered. For this they were tried, found guilty, and condemned to be hanged,—a sentence by no means in accordance with the popular ideas of justice, and which, tending to awaken pity for the offender rather than detestation for the crime, was calculated to defeat the purpose of a public example; but, besides what was considered the peculiar hardness of the

case, several circumstances concurred to interest the multitude more deeply in the fate of the criminals.

On a Friday preceding the Wednesday appointed for their execution, the attention of the public was attracted by a grand but ineffectual attempt to break the jail. Two horse-stealers, who were confined in the room immediately above where they lay, having obtained spring-saws, and other instruments, cut through the thick iron bars that secured a window on the inside, and afterwards the cross grating on the out, and having opened a communication with their unfortunate companions by a large hole in the floor of their apartment, about two o'clock in the morning, hauled them up, and proceeded to pass through the window. One of the horse-stealers was let down in safety by a rope, but Wilson, in endeavouring to follow, being a stout bulky man, stuck in the grate, and before he could be disentangled, the guard was alarmed, and the others were secured.

Thus cruelly disappointed, Wilson, the unfortunate cause of the failure, determined to make another desperate effort, at least to rescue Robertson, of whose misfortunes he considered himself the instrument. It was the custom at that time to carry the condemned prisoners to the Tolbooth Kirk on the Sabbath, to hear sermon. Next day was the last, and he resolved to seize the opportunity. Thither they were guarded by four soldiers, but scarcely were they seated, when Wilson suddenly seized two in his arms, and after calling out, "Geordie, do for your life," snatched hold of a third by the coat neck with his teeth; on which Robertson tripping up the fourth, sprung over the seats with incredible agility,—the audience opening a way for him,—got out of the church and clear off, the crowd who instantly gathered preventing all pursuit. Wilson was immediately hurried back to prison, to prevent his escape also, which the congregation appeared willing to favour—for his gallant generosity had excited their highest admiration.

Next day it was the sole object of conversation, and the expressions of public sympathy were so strong that the magistrates, dreading a rescue, doubled the sentinels on the prison, summoned the officers of the train bands and constables to attend the execution, and served out ammunition

to the town-guard. In addition, a battalion of the Welch fusileers, then quartered in the Canongate, were drawn up on each side of the Lawnmarket, while another body remained under arms at the guard. At two o'clock, the criminal was carried to the Grassmarket, where he died apparently penitent and resigned, expressing sorrow for the sins of his past life, but no particular sense of the crime for which he suffered. The crowd collected to witness the execution was immense, but every thing was conducted with solemn propriety, and without the most remote appearance of riot, till the executioner was ascending the ladder to cut the body down, when he was saluted with a few stones from some idle boys—an expression of popular feeling at that time not uncommon upon such occasions,—and one or two of the guards being struck, Captain Porteous, their commander, in a rage, without offering to read the riot act, or waiting for orders from the magistrates, who were in a room near the scaffold, levelled his piece and fired, and with an oath ordered the men also to fire, by which several of the spectators were killed and wounded. On marching home, some dropping shots were afterwards fired from the rear as they ascended the West Bow, which likewise did execution;—in all, four men were killed, and eleven severely wounded, of whom two died afterwards.

A precognition was immediately taken before the magistrates, and Porteous that same evening committed to jail. Three months after, July 19th, he was brought to trial, and, upon the direct testimony of several witnesses, convicted of having with a fusee which he received from a soldier, shot one young man dead upon the spot, and ordered the guard to level their pieces at the crowd, which occasioned the death and wounding of several others, and sentenced to be hanged upon the eight day of September.

Porteous had upon some former occasions commanded the town guard in scuffles, where several of the lieges had been wounded, particularly at a late violent settlement of Mr. Witherspoon, minister of the West Kirk, and had escaped without inquiry, through the influence, as was supposed, of provost Campbell, whose housekeeper he had married. Application being now made through the same

interest—the Argyle—to the queen regent, her majesty granted a reprieve for six weeks, till proper inquiry should be made ; but the nature of such inquiry being perfectly understood, the arrival of the reprieve created the most indignant sensation, not only in Edinburgh, but throughout the whole country, who exclaimed against such impunity for military murderers, and the sin of allowing a wretch so guilty to escape. As an officer, the unhappy culprit had exercised his brief authority with harshness and rigour, all which was now remembered against him, and aggravated by a reported act of wanton barbarity towards the unfortunate Wilson, whom he was said to have tortured in his last moments by forcibly thrusting his hands into manacles too small for his size.\*

Though language of the most threatening nature had been used, no idea was ever entertained by the constituted authorities of the possibility of attack other than from an infuriated mob, of whose gathering, the symptoms would have been sufficiently discernible, before the danger became overwhelming, to give time for bringing the guards in the town and the military in the Canongate to disperse them. But a plan had been secretly concerted that set all ordinary calculation at defiance ; between eight and nine o'clock on the Tuesday evening preceding the day on which the execution had been originally appointed to take place, a number of persons seized the drum belonging to the suburb of Portsburgh, and pressing the drummer's son into the service, they shut the West Port, then collecting a mob by the beat of drum, after closing the Nether Bow Port also, to prevent the troops from the Canongate entering, they surprised the guard-house, and arming themselves with guns, halberts and lochaber axes, sent parties to secure the other gates.

Having made themselves masters of the city, they planted a guard across the High Street to stop all from passing who were not their associates, and proceeded to the prison, where they attempted to force an entrance with fore-hammers ; while thus occupied, the magistrates, who had

\* Porteous Trial ; Wilson and Robertson's Trial. Life of Porteous, Caledonian Mercury.



sent in vain to request general Moyle to come to their assistance,\* went out in a body to quell the riot, but were forced, by a shower of stones, to fly from the threats of an armed mob; who, having procured a tar barrel, whins and links, set fire to the door, and some of the most forward, rushing through the flames, extorted the keys from the keeper, and liberated the other prisoners; but seizing the unhappy Porteous, they dragged him by the heels down the tolbooth stair, crying for mercy for Christ's sake! then setting him upon his feet, they roughly carried him to the top of the Lawnmarket, where some of the crowd proposed to hang him over a sign-post at the Weigh House; others, however, who appeared to be in the direction, ordering a march, he was hurried down the West Bow to the gallows-stone, where he was desired to kneel, confess his sins, particularly the havoc he had made at that place, and offer up his petitions to God; in the mean time some of the rioters broke open a shop from which they took a coil of rope, leaving payment on the counter. About a quarter before twelve o'clock the rope was put about his neck—he entreating and struggling the while—and he was pulled up to a dyer's beam; but one of his hands having got free, he grasped the noose in fearful agony, when some one struck him with a paddle, and he was let down, his hands tied, and hauled up a second time; his face being uncovered he was let down again, one of his shirts—for he had two—thrown over his head, and he was hauled up the third time; the rope was then nailed to the tree, and the principal actors, after saluting each other, grounded their arms and separated, apparently taking the roads for the country. The body hung till five o'clock next morning.†

So deliberate an outrage upon the laws of the country produced universal amazement, and the magistrates, whose

\* The general would not move without a written order, which, in their confusion, the magistrates had omitted to send, and the representative for the city, Mr. Lindsay, went to him; but still he refused to interfere, although Mr. Lindsay told him no person at that time would venture to carry a written order about them through the mob.

† Trial of William Maclauchlane, printed Edinb. 1817. Torbuck's Parliament. Debates, vol. xv.



every effort during the disturbance had been frustrated by the precautionary measures of the ringleaders, sensible of the responsibility attached to their station, were anxious in their inquiries, and upwards of two hundred persons were examined; but no information respecting the perpetrators could be obtained. The only vestige of a track that gave the slightest hope of leading to a discovery, was a reported rumour that some relatives of one Ballantyne, a young gentleman from Dalkeith, who had been killed, had said they would be revenged for the murder of their friend; but it proved fallacious.

A proclamation by the queen, offering two hundred pounds reward, produced no greater discovery; and it was forthwith circulated and believed, that the tumult proceeded from a deep conspiracy among persons of rank, enemies to government, in the Scottish capital, though the strictest investigation implicated no name of consequence, nor any known citizen of Edinburgh. The continued influence of lord Ilay had, however, become irksome, and a considerable party would have been willing to attribute the whole to his mismanagement, or that of his friends; while they on the other hand would have traced, had it been possible, some secret connection between this incomprehensible conspiracy and the plain downright mobbing that had taken place at the West Kirk settlement.

Neither of these allegations solved the riddle. Nor were the English politicians able to settle the matter much more satisfactorily. How a mob could resist the temptation of two hundred pounds was beyond conception, and the members of government were not less puzzled than provoked at the unaccountable obstinacy, or still more strange fidelity of "a Scottish rabble." Riots had taken place in various places of England, attended with many circumstances of brutal and disgusting fury; but except the murder of Porteous, no act of rapine or outrage had been committed in the northern capital: it was therefore resolved to investigate the subject in parliament.

Owing to his majesty's indisposition, the session of this year (1787) was delayed till February first, and then opened by commission. The royal speech, which was read by the

chancellor, after congratulating the houses on the prospect of peace being soon re-established on the continent, directed their attention to the attempts made in different parts of the nation tumultuously to resist and obstruct the execution of the laws, and to violate the peace of the kingdom. When the communication was debated, lord Carteret spoke of the English tumults as of ordinary riots, to be repressed by a due execution of the law; but the atrocious riot and murder committed at Edinburgh, one of the most extraordinary that ever happened in any country! deserved a very different notice; being the more dangerous, because it was carried on with a sort of decency and rule, and the more to be dreaded, because attended with no disorder or confusion. He considered it impossible but that the names of the murderers must be known in Edinburgh, and since the citizens would not discover them, he thought, if not deprived of their charter, they might be threatened with removing their courts of justice; or that they should be divested of some of their privileges, as an example for other cities for the time to come; and concluded by proposing to institute an inquiry. Lord Hardwicke thought it beneath the dignity of the house to inquire into that one riot, of which the cause was sufficiently plain, as was that of the whole,—the want of sufficient power in the civil magistrate to prevent or punish, and a too great liberty in others to mislead the people and promote mischief. He therefore thought that the inquiry should be general, that some general specific might be applied. Lord Ilay did not believe that the magistrates or citizens of Edinburgh were deeply involved in the transaction mentioned; but, whether they were or not, he did not conceive that that would warrant any arbitrary punishment like those that had been proposed. He however seconded the inquiry, and the house resolved—that the lord provost and four bailies, with the captain of the guard and commander of the forces, should be examined, and that his majesty should be addressed for all the documents necessary to elucidate the subject.

When the documents were produced, they gave rise to long debates; in which it is difficult to say whether their

lordships displayed greater ignorance or prejudice on the subject of Scottish law. The trial was assailed as unfair, because the forms differed from those of England, and the sentence as too severe, because the accused had not been allowed to prove in mitigation circumstances which the pursuer admitted as facts in his pleading. It being deemed necessary that the lord justice-clerk and two other of the justiciary lords should be brought from Scotland; a longer and still more ungracious discussion followed respecting the manner in which the Scottish judges should be interrogated, whether on the woolsack, at the table, or at the bar. As this was a point which had not been settled by the articles of Union, it was claimed as their right to be seated next to the English judges—which would have certainly been agreeable to the general rule of precedency arranged in the treaty—but the majority most ungenerously decided that they should take their station in their robes at the bar; where they were exhibited accordingly, to gratify English vanity, and answer a few insignificant questions.

A bill was then brought in “to disable Alexander Wilson, Esq. lord provost of the city of Edinburgh, from taking, holding, or enjoying any office or place of magistracy in the city of Edinburgh, or any where in Great Britain; and for imprisoning the said Alexander Wilson; for abolishing the guard kept up in the said city, commonly called the town-guard, and for taking away the gates of the Nether Bow port of the said city, and keeping open the same.” From the examinations it was apparent, that without the gift of prescience no previous measures could have been taken to meet so unprecedented an occurrence, and the magistrates had provided against any ordinary riot; during the tumult they could only be blamed for sending a verbal message to the commander of the forces, instead of a written one, a formality which might easily have been dispensed with in such an exigence; nor could they afterwards resort to torture to force a discovery that money could not procure. The opposition of the Scottish lords was therefore vehement against the bill, as an unjust and cruel infliction

upon a man and a town, against whom no positive charge could be brought. The duke of Argyle and the earls of Crauford and Findlater vigorously contested the clauses one by one, and insisted that, except upon an application from the people of Scotland themselves, the privileges of the burghs were placed, by the articles of Union, beyond the legal power of a British parliament, and held under as sacred a guarantee as the established religion; but on May 18th the bill passed by a majority of fifty-four to twenty-two, and was sent down to the commons, where a much stronger and more efficacious opposition awaited it, in which lord Polwarth and Duncan Forbes particularly distinguished themselves.

The whole circumstances which preceded or accompanied or followed the hanging of Porteous, were minutely inquired into anew at their bar, and the result referred to a committee of the whole house, where the bill was entirely altered, or rather a new one substituted in its place. For the imprisonment of the provost, the demolition of the Nether Bow port, and disbanding the town-guard, a fine of two thousand pounds to Porteous's widow was imposed: and even then, so little satisfied were the commons with the propriety of the measure, that the act as amended was only carried by the casting vote of the chairman, and would have been entirely lost but for the detention of two Scottish members, the solicitor-general, and Mr. Erskine of Grange, who were pleading an appeal case in the house of lords at the time, and could not obtain leave to be present at the vote.\*

Thus after a violent struggle the business would have ended, but another act had been brought in for discovering the murderers of Porteous, by which concealing the guilty was made a capital crime; to this clause many objected as bearing too near a resemblance to the tyrannous enactments of other days, but the Scottish members themselves occasioned a mode of proclaiming the act that led to more disagreeable consequences. The duke of Argyle and Mr. Lindsay, mem-

\* Parliament Register. London Magazine, 1787, Appendix. Arnot's History of Edinburgh.

ber for the city of Edinburgh, directly accused the popular ministers, and those who opposed the intrusion of disliked presentees upon an unwilling people, whom they classed with the seceders, if not as accessories, yet as obliquely the cause of Porteous's murder. Argyle, who entered early into public life, and spent the greater part of his youth and manhood in courts and camps, may perhaps be pardoned, as he must have taken his information at second hand, for not understanding the principles of the seceders, or the causes of riot, at violent settlements, and attributing a seditious tendency to the doctrines of "a few fanatical preachers sprung up lately." But the same excuse can hardly be extended to the other, who constantly resided on the spot, and yet in the course of the debate, asserted "that when the clergy were like to be defeated or disappointed in any particular view of disposing of any ecclesiastical benefice and preferment as they have a mind, because the law stands in their way, they abused the unwary people, and spirited them up to despise and disobey the law, by inculcating upon such occasions that whatever opposes them is iniquity established by law." "This," he continued, "cannot be charged upon the majority of the church of Scotland, but this seditious doctrine is preached up by these wild, hot-headed, violent, high church clergy, who were not to be satisfied with any power unless they possess all, yes!" he continued, "we have high-church presbyterians, who have higher notions of clerical power than any protestant clergy whatever; who assert and maintain an absolute independency on the civil power." In consequence the act was ordered to be read on the first Sabbath of every month for a twelve-month, by the ministers, from the various pulpits, "under the pain of being declared incapable of sitting, or voting, in any church judicatory, and the penalty to be enforced by the civil power."

This injunction some of the ministers complied with, and others evaded or refused, as "an encroachment upon Christ's headship over his church, by the magistrates inflicting what was properly a church censure;" and "for

ministers to become the magistrates' heralds, to proclaim the law upon the Lord's day, in such a solemn manner," they asserted, "would be a homologating of this encroachment, and a consenting to this erastian power of the magistrates:" but few of them gave up their livings for the cause, while it added another item to the testimony of the seceders, who consistently resisted this unscriptural interference with the ministerial functions.\*

Parties were now in that state of jealous watchfulness which blasted every hope of accommodation; and the majority who ruled the establishment, having succeeded in infusing into the civil power a suspicion of the loyalty of the seceders, began to evince less anxiety about their return, or even increase: the assembly 1737 passed without any notice upon the subject, and several violent intrusions were sanctioned. The seceders, on the other hand, strengthened by the open accession of Ralph Erskine, Dunfermline; Thomas Mair, Orwell; Thomas Nairn at Abbotshill, and James Thomson, Burntisland, appointed a professor of divinity, and proceeded to take young men upon probationary trials, supplied reclaiming parishes with sermon, and used every possible method, by printing and preaching, to extend and to perpetuate the propagation of pure presbyterian principles; yet the church, although they must have seen the case desperate, preserved a show of tenderness in their procedure, and a reluctance to final separation, which afforded the orthodox party an excuse for considering the associated brethren as obstinate and unyielding, and the moderates a handle for accusing them of only wishing to arrogate pre-eminence and power. Upon representations and complaints laid before the assembly 1738, they, "in the spirit of meekness, brotherly love, and forbearance," enjoined all the ministers of the national church, as they should have access, and especially the ministers of the synods and presbyteries within which these seceding brethren resided, to be at all pains, by con-

\* Willison's Fair and Impartial Testimony. Brown's Hist. of the Secession.

ference and other gentle means of persuasion, to reclaim and to reduce them to their duty, to report the success of their endeavours to the commission, and upon their report the commission was empowered to do what they should think proper to prepare and ripen the case for the decision of the next assembly.

All endeavours, as might have been expected, proving fruitless, the seceders were "cited" to appear before the succeeding general assembly, which they did, (1789); but when the libel charging them with schismatical courses was read, and the moderator, the reverend James Bannatyne, one of the ministers of Edinburgh, had signified to them; that if they would show a disposition to return to their duty, and the obedience they owed to the church, the assembly was ready to forgive all that was past, and receive them with open arms. Mr. Thomas Mair, as moderator, produced, and was allowed to give in, "an act of the associate presbytery, finding and declaring that the present judicatories of this national church are not lawful nor right constitute courts of Christ, and declining all authority, power, or jurisdiction, that the said judicatories may claim to themselves, over the said presbytery, or any of the members thereof, or over any that are under their inspection, and particularly declining the authority of a general assembly now met at Edinburgh the tenth of May 1789;" to which the whole having declared their adherence, they were ordered to withdraw, after being directed by the moderator to attend when called upon by the assembly.

When called they refused to appear; and the assembly, in consequence of an inclination expressed by Mr. John Willison of Dundee, and several members, not to proceed to a final sentence against them, forbore for another year, and referred the whole to the next general assembly; but "with an earnest recommendation to inflict the censure of deposition, without further delay, against such of them as persisted in their unwarrantable conduct, and did not retract their pretended act and declinature; and, in the mean time, they appointed that the ministers of the church

should be careful to exhort the people, both publicly and privately, to guard against all divisive courses, and to keep the unity of the spirit in the bond of peace, as they would consult the true interests of serious religion, and the quiet of their country ;” and a plain narrative of the procedure of the judicatories, with relation to the seceders, was printed by order of the assembly, and circulated widely immediately after the assembly rose. The narrative was drawn up with great calmness, and was well calculated to impress those who did not thoroughly examine the subject, with a high idea of the christian temper and mildness of the venerable court towards brethren, who, whatever had been the original cause of offence, had become the offenders by receding from all their advances and refusing to be reconciled, except upon terms which they knew to be impracticable ; although, to facilitate their return, this very assembly had deprived all commissions for the future of the power of executing sentences of sub-committees or correspondent meetings, and had instructed the present anew to make due application to the king and parliament for redress of the grievance of patronage, in case a favourable opportunity for so doing should occur.\*

The controversy now filled the length and breadth of the land, and, as almost invariably happens in public disputations which generally end in a struggle for victory, neither side carried conviction to their opponents. When the assembly met in May 1740, the seceders had made no retractation, and it now only remained for that

\* Registers of the General Assembly, MS. Printed Acts, Narrative, &c. Wilson's Defence of Reformation Principles, &c.—During these few years the press teemed with controversial pamphlets, in which Mr. Currie minister at Kinglassie, Mr. John Williamson minister at Musselburgh, and Mr. Willison of Dundee, inveighed strongly against the evil of schism, and the danger of rending the church and introducing confusion. They were replied to by Mr. Wilson of Perth, by the acts and testimonies of the associate presbytery, and by several anonymous writers, who insisted upon the duty of withdrawing from the communion of corrupt churches, and the necessity of maintaining the supreme kingship of Christ in his church ; and each claimed to be contending for the prosperity of that kingdom which its head and founder had declared to be not of this world.



venerable court to finish the long pending process by their highest infliction. AND THEREFORE the general assembly, in respect of the articles found relevant and proven, DID, in the name of the Lord Jesus Christ, the sole king and head of the church, and by virtue of the power and authority committed by him to them, actually depose Messrs. Erskine, Wilson, Moncrieff, Fisher, and other ministers, from the office of the holy ministry, prohibiting and discharging them, and every one of them, to exercise the same, or any part thereof, within this church in all time coming, and the assembly did declare all the parishes or charges of the above named persons vacant from and after the date of the statute. Fifteen ministers and four elders entered their dissent, and their reasons were ordered to lie *in retentis*; what they were it would not be easy to conjecture, for the seceders had declined the authority of the church, and there was nothing left for the assembly to do but to deprive them of any legal official character, and of course of their temporalities, all right to which ceased when they threw off their connection with the establishment.

While the secession was gaining ground, two heretics of a more dangerous description, were treated with even more leniency,—principal Wiseheart and John Glass. William Wiseheart, principal of Edinburgh college, had ventured not only to differ from the doctrine of the Confession of Faith, respecting the power and office of the magistrate in religious matters, but even appeared to favour “removing confessions and freeing persons from subscriptions thereto,” and “was greatly concerned for a more free education of children by parents and other instructors than was consistent with the directories thereof approved by this and other protestant churches;” but he was allowed to explain; and notwithstanding these latitudinarian opinions, was admitted to be one of the ministers of Edinburgh, and furnished the brethren with another to add to the delinquencies of the church. Mr. John Glass, minister at Tealing, shortly after he was placed, while investigating the controversies of the times, in order to judge of the formula to which he had already set his name, was led to entertain some doubts re-

specting the obligations of the two covenants, national and solemn league, and having been challenged by Mr. Willison of Dundee for deserting the creed of his fathers, he openly, in a sermon he preached on a fast-day when several ministers were present, asserted his belief:—that the kingdom of Christ was neither set up, advanced, nor defended as the kingdoms of this world are, by human policy, the words of man's wisdom, or by worldly force and power; and added, "I confess my adherence to our fathers and martyrs in their testimony to the kingdom of Christ, in opposition to any earthly head of the church not appointed by the Lord Christ, and thus I acknowledge them to be the martyrs of Jesus; but as far as they contended for any such national covenants as whereby Christ's kingdom should be of this world, and such as he hath not appointed under the New Testament, but set aside, so far they were not enlightened." For these sentiments he was brought before the Dundee presbytery 1726, and after a protracted process, in which, according to all use and wont, the points of difference multiplied, Mr. Glass was deposed by the commission in the year 1730, and became the founder of a sect of independents known by his name.\* But this year, without solicitation, he was, by an unlooked-for act of assembly,† restored to the character of a minister of the gospel of Christ, yet not to be esteemed a minister of the established church of Scotland till he should renounce the principles embraced by him, that were inconsistent with the constitution of that church."‡ And thus;—while the controversialists on their

\* Glassites; from Mr. Sandeman, his son-in-law, sprung a section of the sect called Sandemanians.

† Mr. Brown thus notices the fact: "The assembly's restoration to the office of the ministry, of Mr. John Glass, an impenitent and furious independent, who had plainly broken his ordination vows, and continued declaiming against presbyterian government, reproaching our national covenanting, and setting up as many sectarian congregations as lay in his power, attended their prosecution against the seceding ministers;—a notour evidence they were zealous for themselves not for the truth."—Hist. Account of the Secession.

‡ Acts of assembly. Life of Glass prefixed to the Testimony of the King of Martyrs, Edin. 1813.

side were fiercely contending that to depart from them was to depart from the only true church of Christ; and their opponents, who, with equal fury, insisted that they carried that church along with them, were calling upon God's people to separate from a corrupted body that they might not partake of her plagues;—the assembly, with a liberality which did them honour, and which it were to be wished they had always followed, rebuked both, and authoritatively declared it as their opinion, that a minister might be a minister of Christ although he followed not after either.

Like the general assembly's concessions to the seceders, the British ministry's pacific overtures to Spain only produced new demands; they disputed the right of English traders to cut logwood in the bay of Campeachy, to gather salt on the island of Tortuga; and then, under pretence of preventing illicit commerce between the West India islands and the Spanish main, claimed a right of searching British merchant ships at their discretion; and without paying the smallest regard to representations or memorials, maltreated and imprisoned the crews, and confiscated the cargoes. The report of these outrages roused the whole nation; and the house of commons, in their session 1738, having gone into a grand committee, and examined evidence upon the subject, instances of the most horrid and wanton barbarity perpetrated upon the unfortunate sailors were elicited, which inflamed the public indignation beyond sufferance at the government's temporizing conduct. Sir Robert Walpole, the minister whose favourite policy was to avert what he justly considered the direst of all calamities, made one effort more, and during the recess of parliament, he concluded a convention with Spain, stipulating for reparation to the British merchants for their losses. But a powerful opposition treated with ineffable scorn the idea of obtaining any proper reparation in that manner, and Spain having delayed paying the very inadequate sum promised, the minister was borne along with the popular torrent, and letters of marque and reprisal were issued. Hostilities immediately followed, (June 1739) whose commencement gratified the highest expectation of the nation.

Porto Bello, on the isthmus of Darien, was taken by admiral Vernon with a fleet of six ships only, and was hailed as the first fruits of a most ample revenge; but the government received little credit for an achievement which was invidiously said to have been successful in opposition to their wishes.

Parliament, in consequence of the war, met in the month of November, and, what was rather an uncommon circumstance, several of the Scottish members were instructed by their constituents to vote with the patriots for pensioners being excluded the house of commons, and for the duration of parliament being shortened, before they consented to any money bill. The cities of Aberdeen and Dundee were conspicuously forward upon the occasion, and the latter thus concluded a pithy set of instructions, which they transmitted to the honourable John Drummond. "Hitherto you have knowingly acted in direct opposition to our sentiments with regard to septennial parliaments, the pernicious excise scheme, and the late dishonourable convention with Spain; yet we put it once more in your power to re-establish yourself in the good opinion of your constituents." Whether Mr. Drummond complied with their desire is not known, but the abuses complained of remain unreformed, and owe their duration not a little to the apostacy of the very patriots who declaimed most lustily against them.

To these noisy brawlers, too, a dread of whose opposition prevented the execution of one of the wisest schemes perhaps ever suggested, for now attaching the highlanders to the interest of the present family, the country most probably owed the calamitous insurrection which soon followed. Duncan Forbes, who had been raised to the dignity of lord president of the court of session in the year 1737, still took not only a deep interest but an active share in political affairs. In the end of autumn 1738, so strongly was he impressed with the importance of securing not only the peace of the kingdom but the affection of the mountaineers, that he waited upon the lord justice clerk, [Milton] who acted as sub-minister to the earl of Ilay, one morning before breakfast at his country house, in order to communicate his plan to him in

the then important juncture. "A war with Spain," said he to his lordship, "seems near at hand, which it is probable will be soon followed by a war with France, and there will be occasion for more troops than the present standing army; in that event I propose that government should raise four or five regiments of highlanders, appointing an English or Scottish officer of undoubted loyalty to be colonel of each regiment, and naming the lieutenant-colonels, majors, captains, and subalterns, from this list in my hand, which comprehends all the chiefs and chieftains of the disaffected clans, who are the very persons whom France and Spain will call upon in case of a war to take arms for the pretender. If government fore-engages the highlanders in the manner I propose, they will not only serve well against the enemy abroad, but will be hostages for the good behaviour of their relations at home, and I am persuaded it will be absolutely impossible to raise a rebellion in the highlands." The plan was transmitted to sir Robert Walpole, and strongly recommended by him to the cabinet council, but they unanimously rejected it, and assigned as their reason, that if it were adopted, the patriots would denounce him as one "who was always designing to subvert the British constitution, and who, in addition to the standing army, was raising a highland host to enslave them:" and the scheme was laid aside for the time. In the year following, however, after war was declared, another plan was brought forward from it, which it was thought could give no offence to the friends of the constitution. The six independent companies\* were augmented by four additional ones, and the whole formed into a

\* Vide page 120.—General Stewart says: "Some highlanders had been armed so early as 1725, when marshall Wade was appointed commander in chief in Scotland, but it was not till the year above mentioned [1729 or 1730] that they were formed into regular companies receiving pay."—Sketches, vol. i. p. 249. But general Wade in his report states, that they were formed and had been encamped with his troops at Inverness 1725, were regularly paid, and in the conclusion of that year were stationed in various parts of the highlands, as mentioned in the page referred to.

highland regiment under the command of John, earl of Crawford and Lindsay. In this arrangement lord Lovat had been left out, and he thenceforth became an active promoter, if not the chief mover, of a new plot for the restoration of the Stuarts.

Early in the year one thousand seven hundred and forty, perceiving that a war with France was inevitable, a few of the old irreclaimable jacobites began to bestir themselves, and in the beginning of the next an association was formed at Edinburgh, consisting of his lordship, Drummond, nominal duke of Perth, lord John Drummond his uncle, lord Traquair, and his brother sir James Campbell of Auchinbreck, and Cameron of Lochiel, who subscribed an engagement to adventure their lives and fortunes in support of the pretender's right, and agreed to take arms if France would afford them effectual assistance. This bond was delivered to Drummond of Bohaldy, appointed their ambassador to carry their allegiance to the pretender, who was residing neglected at Rome, to be by him delivered to "his majesty." Besides which, he carried a list of all those who were judged friendly to his cause,—the very men the president's plan would have secured,—and who were ready to rise upon the landing of a sufficient force. These papers were immediately forwarded by the chevalier to the court of Versailles, the correspondence with which was from this date renewed.\*

This year had been ushered in by one of the most tremendous hurricanes, accompanied by lightning, that had been known for a long while in Scotland. At Edinburgh the damage was extensive. The roofs of the chapel, arsenal, and magazine in the castle were destroyed, and the leads rolled up and blown over the walls. Those in the parliament house, about twelve hundred weight, were carried into the middle of the square. The spire of the Magdaline chapel, and the fine portico of the Canon-gate church, were levelled. Several houses were blown down; and in the midst of this terrible night,—for the storm began at midnight, January 13,—the alarm of fire

\* Lovat's Trial, pp. 12, 74—80.

was added to the horrors of the tempest, and the wind, which increased the flames, rendered the engines useless. Throughout the country the damage was immense; the corns were scattered about the fields, and great numbers of cattle perished in the ruins of their stables; the young plantations were destroyed, and the havoc among those farther advanced was deplorable: about a thousand full grown trees were rooted out at Yester alone. On the west coast the loss among the shipping was severe; the shores were strewn with wrecks, and many people perished. Nor was the close less remarkable. An intense frost set in on Christmas day, which lasted till the latter end of February. The Forth was intensely frozen over above Alloa, and there was even a crust of ice at Queensferry. The mills every where being stopped, a great dearth succeeded, and the depth of snow preventing coals being carried to any distance, many of the poor perished with cold. But the distresses of the times were accompanied with an uncommon spirit of liberality. The magistrates of Edinburgh and a number of societies distinguished themselves upon the occasion; and the bank of Scotland, and royal bank, advanced money without interest to purchase provisions, which were sold at low prices, to the necessitous.\*

Towards the end of the year, the death of the emperor of Germany involved the continent in war, his eldest daughter Maria Theresa's succession to his Austrian dominions, although guaranteed by almost all the great powers of Europe, was immediately opposed, and her territories parcelled out with the most unblushing iniquity;—Prussia claiming Silesia, Spain the Italian provinces, and France the Netherlands, as the price of assisting Bavaria to the imperial crown. The beautiful unfortunate but high-spirited princess threw herself upon the loyalty of her Hungarian subjects, who, rallying around her with enthusiastic devotion, enabled her to meet and repel her assailants; the sympathies of Britain accompanied her, and the house of

\* Scots Magazine and Caledonian Mercury for 1740.

commons voted a subsidy. The Spanish war, after the capture of Porto Bello, was only distinguished by a series of misfortunes and blunders, which increased the outcry against the minister, who it was said had squandered the revenue in peace to purchase votes, and in war spent it to purchase disgrace: the duke of Argyle now openly joined the opposition, at the head of which was the prince of Wales;\* and upon several motions, increasing minorities showed the minister that his power was in the wane.

When the parliament rose (April 1741,) it was dissolved by proclamation; and at the ensuing elections, the perseverance of his enemies succeeded in procuring for the country party a preponderance in the lower house. Argyle exerted himself strenuously in Scotland, and a majority of the northern representatives were procured against the interest of the falling minister; but the peers were returned according to the court list. The new parliament met December the first; in it the opposition had obtained a power, with which Sir Robert, finding it vain longer to struggle, he sheltered himself from an impeachment by a timely resignation, (Feb. 1742), and withdrew from the scene of his former triumphs to repose under a title in the upper house; leaving to an ill-arranged coalition the burden of an unsuccessful war with Spain, and the prospect of engaging in a contest on the continent, against which they had directed their most thundering philippics.

While these revolutions were convulsing the political world, the religious public was scarcely less agitated by new dissensions. Between the establishment and the secession nothing now remained to be done but for the former to see their sentence properly carried into execution, and their legal rights supported by the civil power. Steps for this purpose were accordingly ordered by the general assembly 1742,† and the seceders

\* The prince had been long out of favour with the court; so much so, that he had not been allowed to visit his mother on her deathbed, November 1737.

† The assembly 1741 passed over without any thing particular being done.



prudently did not attempt a contest respecting the temporalities of a church from which they had voluntarily separated; but a more unseemly dispute arose between the orthodox party and their disjoined brethren, upon a revival of religion which took place in the west of Scotland, and which ought to have been matter of rejoicing to all who professed to have for their chief object the advancement of the kingdom of Christ.

It commenced under the ministry of the Rev. Mr. Maeculloch at Cambuslang, a man of exemplary piety, but whose sermons, good plain scriptural discourses, since published, were distinguished by no powerful bursts of impassioned eloquence; nor was his manner—rather heavy and awkward—calculated to have given them effect if they had; yet the strength of conviction they excited, caused as uncommon bodily affections in their subjects as the most striking representations of objects of immediate overwhelming personal danger could have produced; and under the irresistible impulse of terror, many fell down, or cried out like the jailor at Philippi, “What must I do to be saved?”\* For nearly a twelvemonth he had been preaching upon the nature and necessity of regeneration, and for some months before the remarkable events which gave rise to so much speculation, the people appeared to listen with more than ordinary attention. At length, at the request of a number of the heads of families in the parish, a weekly lecture was begun in the month of January 1742: this was immediately followed by a general concern about their spiritual interest. Prayer meetings and meetings for mutual edification were begun, and rapidly in-

\* These bodily agitations gave occasion to the clamour that was raised against the work, as a device of Satan; and because some, so affected, returned like the dog to their vomit, all was said to be delusion. But bodily agitations were never considered by the defenders of the work as necessary adjuncts to real conversion, although they often accompanied it; nor would they allow that the hypocrisy, apostacy, or backsliding of several of those affected, could prove the delusion of those who continued steadfast. When Paul preached, Felix trembled; but none ever alleged that this trembling was the work of the devil, because it was a bodily affection, or his convictions delusion, though they came to nothing.

creased; and the number of inquirers became so great, that the minister was engaged almost night and day in praying and conversing with them, till in February he began to have sermons regularly every day. People from the neighbouring parishes were attracted, and before the month of May it was reckoned that upwards of three hundred persons were under conviction.

At first Mr. Macculloch was only relieved by the ministers in the neighbourhood, to whose parishes the work also extended; but the report spreading, the most eminent men in the church resorted eagerly to the spot to behold and assist in the work of the Lord. About autumn the sacrament of the supper was dispensed twice within five weeks, upon the last of which occasions three thousand communicated, and it was computed that upwards of thirty thousand people were hearers. About twenty preachers officiated, for they had several tents, on the Sabbath; among whom were Messrs. Webster of Edinburgh, M'Laurin and Gillies of Glasgow, Robe, Kilsyth, Willison of Dundee, and many others besides, whose names are still remembered as the most godly and zealous of their generation: one episcopalian was of the number, *George Whitfield.\** After this the commotion subsided, and the work of conversion was neither so frequent, visible, or extensive; but nine years after Mr. Macculloch possessed a list of four hundred who had been awakened during this season, whose lives continued to adorn their profession, or who had died in the faith and hope of the gospel.

Of a work, whose fruits were, as its chief promoters constantly affirmed, and its opponents durst not deny:—"a visible reformation of life, and a conscientious discharge of relative duties in those who had formerly neglected them;

\* *Whitfield's* portraiture is beautifully drawn by Cowper, under the name of

"*Leuconomus*,—beneath well-sounding Greek,  
I shun a name a poet must not speak,—  
Stood pilloried on infamy's high stage,  
And bore the pelting scorn of half an age,  
The very butt of slander," &c.

Horz.

the keeping up divine worship in families; ardent love to the holy Scriptures; a vehement desire after ordinances, together with fervent prayer for the spread of the gospel; a forgiving of injuries, and all desirable evidences of love to each other and to all men:"—it might naturally have been expected that it would become the object of calumny and derision among the profane; but that it should have been opposed, reviled, and anathematized by persons who were undoubtedly sincere in their contendings for the doctrines of grace and the influence of the Spirit, could not have been anticipated; and can only be accounted for upon the principles which they themselves so strenuously asserted, the "deceitfulness of the human heart," and the "inherent depravity" of our common nature. The associate presbytery, without waiting to examine the moral product of this remarkable awakening, the only certain criterion in such cases, adopted a test of more questionable authority,—the alleged "practice of Scripture converts, and the experience of the saints of God in this land; who, upon their conversion, still espoused the *testimony of their day*, and contended for the *present truth*:" and because the Cambuslang converts adhered to their ministers, and their ministers adhered to a church which they had borne testimony against and pronounced irreclaimably corrupt, they, by an act dated Dunfermline, July 15, 1742, appointed a solemn fast to be held on account "of the awful symptoms of the Lord's anger with this church and land, in sending them strong delusion that they should believe a lie; particularly when a *judicial testimony* for the reformation principles of this church was emitted, after all other means had proved ineffectual." One of these awful symptoms was, "this church and land being left to give such an open discovery of their apostacy from him in the fond reception that Mr. George Whitfield has met with, notwithstanding it is notoriously known that he is a *priest* of the *church of England*, who hath sworn the *oath of supremacy*, and abjured the *solemn league and covenant*."\* This controversy did much

\* The act of presbytery was followed by "a warning against countenancing the ministrations of Mr. George Whitfield, by Mr. Adam Gib,

harm to the cause of the secession : it alienated from them the affections of their orthodox brethren, and the most thinking part of those who remained in the church, who were now led to consider their opposition as too much tinged with selfish and party feeling, and as carried beyond all propriety in bitterness of spirit and virulence of language. Its being carried on with so much acrimony, was attributed in part to some young men of violent tempers who had obtained admission, and now formed a majority of their courts, and who, it was alleged, struggled for the power as well as the principles of former times ; for the fathers of the secession were friendly to Mr. Whitfield, and corresponded with him before he came among them, and Mr. Ralph Erskine had admitted him into his pulpit upon his first visit to Scotland. Nor did his being a "priest of the church of England" form any obstacle, till he refused to give up connection with pious men in the national church ; and then it was discovered that he pled for sinful toleration, was an apostle of Satan, and the work at Cambuslang was the work of the devil.\* The moderates stood

minister of the associate congregation, Edinburgh," who very bluntly gives his opinion of Mr. Whitfield, "This man I have no scruple to look upon as one of those false Christs, of whom the church is forewarned," &c. ; and confirms it by a charge of breaking the fourth commandment, in a manner the most singular perhaps in which it ever was broken since it was a commandment, unless the apostles occasionally might have trespassed in that way. "It is well known that Mr. Whitfield's ministrations here are of uncommon frequency, ordinarily every day, and oftener than once. For my part, I do not see how this is reconcilable with the tenor of the fourth commandment, which, as it enjoins the proper exercise of a seventh day, so it not only *permits* but *enjoins* the proper work of the intervening *six*." Mr. Whitfield had never preached at Cambuslang, when the awakening began ; he only assisted afterwards.

\* Mr. Whitfield, who gives the particulars of his conference with the associate presbytery at Dunfermline, says,—“ I only urged, as I do now, that, since holy men differ so much about the outward form, we should bear with and forbear one another, though in this respect we are not of one mind. I have often declared in the most public manner, that I believe the church of Scotland to be the best constituted national church in the world ; at the same time, I would bear with and converse freely with all others who do not err in fundamentals, and who give evidence

aloof from the combat, but their side gained a strong accession; and as what the high-flyers styled the operation of the Spirit, was by their former friends branded as the delusion of Satan; they treated the whole as enthusiastic reveries, and were more confirmed in the propriety of their own mode of preaching the morality of the gospel; while their hearers approved of their not intermeddling with such incomprehensible subjects.\*

Hardly were the new ministry seated on the treasury benches ere they forgot all their patriotic promises, the war with Spain, which was the principal subject of interest with the nation, was equally mismanaged as before; and the war on the continent, in which the country had little concern, engrossed the entire attention of the government, who, to please his majesty, under the name of an ally, soon rendered Great Britain a principal in the contest, and an army of sixteen thousand men, commanded by the earl of Stair, was sent to meet the French in the Netherlands, who, also, under the name of allies, were acting for themselves in that quarter. The call for money thus became urgent, and the house of commons were liberal; but the people became doubly disgusted with the "coalition," on finding all their hopes disappointed, and their burdens increased.

Foreign hostilities were peculiarly unfavourable to Scotland, they checked the appearances, small as they were, of improvement, and revived the restless spirit of the jaco-

that they are true lovers of the Lord Jesus." Having asked why he should only preach for them? [i. e. the seceders] he was answered, because they were the Lord's people; then, replied he, I think the devil's people have more need to be preached to; and added, if the pope himself would lend his pulpit, I would gladly mount it to proclaim the righteousness of the Lord Jesus Christ. He never saw the associate brethren as a body more, but when they had split, some of his old friends renewed their acquaintance. The venerable Ralph Erskine met him some years after, and they embraced each other, Mr. Erskine remarking, "they had seen strange things."—Gillies's Life of Whitfield, p. 64, et seq.

\* Narratives of the Extraordinary Work at Cambuslang, Kilsyth, &c. Glas. 1790. This volume contains the most important of the tracts published at the time in defence of the work. Scots Mag. 1742. Statist. Account, vol. v.

bites. Profusion in the home department, under Walpole, for the few last unstable years of his administration, had left little means available for encouraging the Scottish manufactures; and the public revenue of the kingdom had gradually declined since the year one thousand seven hundred and thirty-three. The permanent annual civil expense amounted to from between fifty-one thousand to fifty-two thousand pounds, of which twenty-nine thousand went to defray the charges of the courts of justiciary, session, and exchequer; upwards of ten thousand to pay the annuities due upon the equivalent, and two thousand were appropriated to the manufactories. To meet this, the chief dependence had been upon the excise properly so called, or the duties arising from beer ale, and spirits.\* These, in the former year, amounted to forty-one thousand five hundred pounds; the duties on leather, candles, and soap, to about nine thousand more, making a total of upwards of fifty thousand pounds, which required but little aid from the other taxes to enable the exchequer of Scotland to clear her current expenses; but the whole proceeds for the last year scarcely exceeded thirty-one thousand pounds, nor did there appear much prospect of amendment, as the chief deficiency was in the department of excise; and the war had nearly annihilated the infant trade with the plantations.

\* It is highly amusing to observe the worthy president's wrath diverted from brandy, and directed against tea, as the chief cause of the mischief. Ale it would appear had at this time formed the breakfast beverage of the country, as well as their noon drink; and he bitterly complains that from the low price of tea, which was "run" from Holland, and sold at 2s. 6d. 3s. and 4s. per lib. the meanest families, even labouring people in burroughs made their morning meal of it, and that "the same vile drug" supplied all the labouring women with their afternoon's entertainment, to exclusion of the twopenny. The good wife was fond of it because her betters made use of it; and, "at present, there are very few cobblers in any of the burroughs of this country, who do not sit down gravely with their wives and families to tea." The remedy which he proposed for this "villanous practice" was to prohibit, by act of parliament, all persons whose incomes were under L.50 or L.100 sterling from using tea, or levying a capitation tax on the families who did.—Culloden Papers, p. 190, et seq.

The highlands continued quiet; but the lord president watched over them with an anxious eye; and although it was impossible but that such a man must always have had great weight, yet as he had invariably remained attached to the duke of Argyle, he was in some measure involved in that nobleman's politics, and his grace being in opposition, his lordship's influence with government was not what it had been, nor what the state of affairs, and his knowledge, services, and experience demanded. Without consulting him upon the subject, the ministry, to increase the army on the continent, with which his majesty was to rival the fame of Marlborough, resolved to remove the highland regiment to Flanders.

No sooner was his lordship apprised of the design, than he communicated his sentiments in a strain of prophetic expostulation, which it is impossible to read, knowing what followed, without feeling the most lively indignation at the little attention it met with. "When I first heard," said he, "of the orders given to the highland regiment to march southwards, it gave me no sort of concern, because I supposed the intention was only to see them; but as I have lately been assured that they are destined for foreign service, I cannot dissemble my uneasiness at a resolution that may, in my apprehension, be attended with very bad consequences." "What moves me is not the many disorders and depredations that naturally will ensue upon removal of that regiment in the northern parts of this country, those consequences are too obvious not to have been thought of; and I dare say, as the strongest equity requires, measures have been devised, and will be pursued, fit to prevent that evil." But supposing, that in the event of war with France, an attempt would be made in favour of the pretender, he earnestly requested the attention of government as to what was fittest to be done.

"The case of Scotland," he proceeds, "so far as I understand it is, that jacobitism is at a very low pass compared with what it was thirty years ago; yet, I will not be so sanguine as to say, that the fire is totally extinguished, or even that what lurks may not be blown up into a flame,

if France, besides words which she has always ready, will give some money, and the countenance of force, I say the countenance of force, because I fear a small one, seconded with money and promises, might spirit up unthinking people, who cannot perfectly judge what force may be sufficient to secure the execution of his design. Should he fling but half a dozen battalions into the highlands, and these be joined by three or four thousand banditti, what sort of confusion must that make on the island; what diversion to his majesty's troops; what interruption to his designs. The enterprise, I verily believe, would at last be baffled, and the invaders would be lost to France, but still an infinite deal of mischief would be wrought at a small expense to that crown, and this is what distinguishes an attempt in the highlands of Scotland, from one in any place to the southward. A small number would suffice to raise with those that might be brought to join them, a lasting and a very dangerous confusion.

“ Having thus stated to you the danger I dread, I must in the next place put you in mind, that the present system for securing the peace of the highlands, which is the best I ever heard of, is by regular troops stationed from Inverness to Fort William, along the chain of lakes, which, in a manner, divides the highlands, to command the obedience of the inhabitants of both sides, and by a body of disciplined highlanders, wearing the dress, and speaking the language of the country, to execute such orders as require expedition, and for which neither the dress nor the manner of the other troops are proper. These highlanders, now regimented, were at first independent companies, and though their dress, language, and manners qualified them for securing the low country against depredations, yet, that was not the sole use of them; the same qualities fitted them for every expedition that required secrecy and despatch; they served for all purposes of hussars, or light horse, in a country where mountains or bogs render cavalry useless; and if properly dispersed over the highlands, nothing that was commonly reported or believed by the highlanders, could be a secret to their commanders, because of their in-



timacy with the people, and the sameness of their language.

“ Now, let me suppose that France was to attempt an insurrection in the highlands, which must be prepared by emissaries sent to cajole, to cabal, to promise to pay, to concert, and by arms and ammunition, imported and dispersed; and let me suppose this highland regiment properly disposed and properly commanded, is it not obvious, that the operations of such emissaries must be discovered, if not transacted with the utmost secrecy? that the highlanders, who suffered themselves to be tampered with by them, must do so under the strongest apprehension of being taken by the neck, by detachments of that regiment, if their treason were heard of? and that, of course, they must be shy of meeting or transacting with the agent of the pretender, or of caballing, mustering their followers, or receiving or distributing arms? Now, on the other hand, let me suppose the same attempt to be made, and the highland regiment in Flanders; let me beg to know what chance you could have of discovering or promoting the attempt of any tampering in the highlands. Could any officer, or other person, trusted by the government, go through the mountains with an intention to discover such intrigues with safety? Would the pretender’s emissaries, or the highlanders who might favour them, be in any apprehension from the regular troops? Could you propose, with any probability of success, to seize arms or attainted persons? Nay, suppose that government had direct intelligence of the projects carried on, where, and by whom could they hope to surprise or lay hold on any one person? These questions, I dare say, you can easily answer, and with me can see, that if France should stumble upon such a design as I have been supposing, remove but that regiment, and there is nothing to hinder the agents of that crown to have their full swing, and to tamper with the poor unthinking people of the highlands, with as great safety as if there were no government at all in the island. I will say more; I doubt not but in many places of that country, if the people could be prevailed with to rebel, they might receive arms, and be in

some sort disciplined for many weeks before the government could have certain notice of it."

In spite of these demonstrations of the impolicy of the measure, it was persisted in, and carried through in the worst of all possible ways, by fraudulently kidnapping the men for foreign, who had only enlisted for home service; and a mutiny, that cost three of the poor fellows their lives, was a tragical prelude to the complete fulfilment of the president's predictions, for at the very moment he was supposing a case, it was actually in train.

Early in March 1743, the regiment was ordered to London for the purpose, as was given out, of being reviewed by his majesty. A body of handsomer men never left Scotland; and on their route through England, they every where excited the highest admiration, and were gratified by the most unbounded hospitality; but on the 30th of April, the day the last division reached the capital, the king and the duke of Cumberland sailed from Greenwich for the continent. This afforded an opportunity for designing men to practise upon them, and as they saw they had been deceived in one particular, they were easily induced to credit the stories that were told them, of their being brought from their own country to be transported to the plantations, the fate of so many of their countrymen taken at Preston. On the 14th of May, they were reviewed by their old friend, general, now marshall Wade, and delighted, by their fine appearance and the promptitude and correctness of their military exercise, a numerous assemblage of distinguished personages, whom curiosity had attracted to witness the novel scene.

But their suspicions were far from being allayed by the praises they received, as none of the royal family had honoured them with their presence; and from that moment they bent their thoughts upon returning to their native country. On the night between the 17th and 18th, a considerable body assembled on a common near Highbate, and commenced their retreat for the north; hoping by their superior agility, and capacity for enduring privation and fatigue, to out-manoeuvre whatever troops might be sent in

pursuit. Orders were immediately issued by the regency, to the commanders stationed between them and Scotland, to intercept them, and a proclamation for their apprehension as deserters, offering a reward of two pounds sterling above the parliamentary allowance for each man.

Their departure had occasioned the most alarming and ridiculous reports in London, which were heightened by the lapse of two days, during which nothing certain was known of their progress; for it was not till the evening of the 19th that they were discovered in Lady Wood, about four miles from Oundle, Northamptonshire, by captain Ball, whom general Blackney sent in search of them with a squadron of Wade's horse. Soon after, the general himself arrived with a force sufficient to guard every outlet.

When the highlanders saw themselves enclosed, they requested a parley, to know what terms would be granted, on which captain Ball was ordered to inform them, that they were required to lay down their arms, and surrender at discretion. This they positively refused to do, and declared, they would rather be cut to pieces than submit, unless the general would send them a written promise, that their arms should not be taken from them; and that they should have a free pardon. With this it was impossible to comply, but general Blackney authorised the captain to promise, that if they peaceably laid down their arms, and surrendered themselves prisoners, the most favourable report should be made of them to the lords-justices; again, they protested they would rather perish than agree: "Hitherto," answered the captain, "I have been your friend, and am still anxious to do all I can to save you; but if you continue obstinate an hour longer, surrounded as you are by the king's forces, not a man of you shall be left, and, for my own part, I assure you I shall give quarter to none." He then demanded that two of their number should be given him as guides, and two, brothers, were ordered to accompany him out of the wood; from their discourse by the way, finding that they were inclined to submit, he assured them both of a free pardon, and retaining one, sent the other back to overcome, if he could, the

obstinacy of the rest; the messenger quickly returned with thirteen, and in a short time after, the whole surrendered.

Under the circumstances of the case, it would have been perhaps only justice, at all events it would have been generous, to have pardoned the misguided men, who had been deceived on every hand; but military law knows little generosity; they were marched back to the Tower, three of them tried by a court martial, and shot, and the others, about two hundred, were distributed in the Mediterranean stations, and in the West Indies. The rest of the regiment, known as the Black Watch, afterwards the "Forty-second," were embarked for the continent, where they distinguished themselves not less by the correctness of their conduct in quarters, than by their bravery in the field.\*

Scarcely had the "watch" been withdrawn, when the president was tormented with applications from the north for obtaining relief from the "masterful depredations that destroyed the neighbourhood of the highlands;" and from a letter addressed to the lord Lyon, his suspicions of what was actually going forward appear to have been strengthened and kept alive. After expressing his sense "of the danger of permitting a gang of ruffians, disaffected if any in the whole highlands are so, to range and lord it over the whole country without restraint, he asks, who can answer at this day whether there are or are not emissaries from beyond seas trying to corrupt the minds of those poor highlanders, who not long ago were favourable?" and adds, "But as I am left out of the play, I doubt it would not be any part of my province to middle in such matters, or to give any advice before it is asked."†

The active part Great Britain was taking on the continent, had already set these emissaries the president so much dreaded in motion.‡ Fleury, who had promised to

\* Lond. Mag. 1742. Scots Mag. id. An. Stewart's Sketches, vol. i. p. 257, et seq. Caled. Mercury.

† Culloden Papers.

‡ This year the doubtful victory of Dettingen was gained, and the earl of Stair retired in disgust from the command of the army, of which he was the nominal leader; from whose victories he was to derive no honour, while he must have borne the blame of defeat.

Drummond that he would afford what assistance the pretender's friends required, took more active measures as soon as he saw the preparation his majesty was making to afford him employment for his arms at home. In the beginning of February 1742, that agent was dispatched back, privately to Edinburgh, with assurances to the conspirators; whose numbers were now enlarged, and who were formed into a society termed "The concert of gentlemen for managing the king's affairs in Scotland." With them it was arranged that a bond of association should be procured from the English partizans, similar to that of the Scottish, upon receipt of which an expedition of at least thirteen thousand men should leave France, to be thus distributed: fifteen hundred for the west highlands of Scotland, to land near Lochiel, Fort William; the same number for the east coast, to land at Inverness, near the clan Fraser; while the remaining ten thousand, commanded by marshall Saxe, intended for England, should land as nigh London as possible,—the young chevalier to accompany the main body. At his return to Paris, Dummond had an interview with the French minister, who expressed himself highly delighted with the plan; but the English, more cautious than the Scottish conspirators, could not be persuaded to affix their signatures to any deed.

During the delay thus occasioned, the members of concert, apprehensive either that the cardinal had given up his intention, or that Böchaldy had exceeded his instructions, prevailed upon Murray of Broughton to proceed to the French capital to ascertain there how matters stood, and what they really had to expect. Ere he arrived, Fleury was dead, and cardinal Tencin in office; to him the late premier had strongly recommended the restoration of the Stuarts, and he was himself much attached to their interest. All the papers relative to that business had been delivered to M. Amelot, secretary for foreign affairs, to whom Murray was introduced on his arrival: at first Amelot was extremely anxious for assurances from England, similar to what Fleury had required, but at the close told him that the king of France was acquainted with the ob-

ject of his mission, that his majesty had the interest of the [ex] king as much at heart as any of those gentlemen who had sent him, and that as soon as he had an opportunity he would put the plan they proposed in execution. With this answer Murray returned to Edinburgh, and the Scottish conspirators employed themselves through the year 1743 in caballing and attempting to influence their tory English coadjutors to come forward, but without success; the scheme not appearing sufficiently alluring to induce them to risk their lives and fortunes without some better prospect.\*

The French cabinet were however sincere. A fleet had been collected, and troops assembled upon the coast, but as no declaration of war had been issued between the countries, the British ministry never supposed that their French friends would be so unpolite, as to attempt a visit without any previous advertisement; the first intelligence, however, they had of the proposed invasion, was from the arrival of the pretender's son at Antibes, on his route to join the expedition, in the end of December.

It not being thought worth while to refit the old gentleman, who had been for some time laid up in ordinary at Rome, Charles, nominal prince of Wales, was put in requisition for the occasion. When the preparations were completed, a messenger was dispatched with an invitation for him to come to Paris, and under pretext of hunting the boar, a diversion of which he was very fond, he left his father's court privately, and embarked at Genoa for Antibes, whence he proceeded on horseback. His incognito was however but ill preserved, for before he reached the end of his journey, the British government were apprised of his destination, and their resident Mr. Thomson was ordered to require, that in pursuance of the treaties between the two kingdoms, he should be ordered to quit the French territory. M. Amelot replied, that when the king of England caused satisfaction to be given for the infraction, by his own orders, of those very treaties

\* Lovat's Trial, pp. 79, 80.

of which he now demanded the fulfilment, his most christian majesty would explain himself upon the demand then made by Mr. Thomson.\*

All concealment of their object being now useless, the French fleet, consisting of twenty-three sail, under M. Roquefeuille, were ordered, in the month of January 1744, to leave Brest and proceed up the English Channel, to prevent two British squadrons, equipping at Portsmouth and Chatham, from joining; but intelligence of their motions being instantly brought by a cruizer to Plymouth, sir John Norris anticipated them, and was quickly in the Downs with a fleet considerably superior both in strength and numbers. The French admiral, supposing that the British would never be able to face him, having dispatched M. Barail with five sail to Dunkirk, where the transports were, to cover the embarkation of the troops, and convey them on their passage, cast anchor himself off Dungeness to watch sir John. While lying here, a look-out frigate [February 24] made signal for a numerous fleet advancing from the Downs, which they soon discovered to be the British, though sailing against the wind, making fast towards them with the flood. M. Roquefeuille, not a little surprised at this unexpected phenomenon, immediately called a council of war, when it was resolved, as the enemy had lost ground with the ebb, and had anchored at two leagues distance; to remain where they were till the beginning of the evening tide, then silently, without firing a gun, weigh anchor, and get under sail for Brest, nor wait farther orders. The darkness of the night favoured, and a fresh breeze that increased to a gale from the north-east, drove them down the Channel with incredible celerity, and they reached their ports without encountering an enemy.

At Dunkirk, where the young chevalier had arrived in high spirits, to witness the long wished for expedition, the same storm suddenly interrupted their operations. Al-

\* Correspondence between the Duke of Newcastle and M. Amelot. Lond Mag. 1743.

ready seven thousand troops had embarked; an equal number were waiting, all confident of success; twenty thousand stand of arms, with a great quantity of artillery, ammunition, and every kind of military stores, were shipped, and thirty-three transports had left the harbour for the roads; when the violence of the tempest, which continued for several days, forced them from their moorings, and drove a number on shore. Some were completely wrecked, with all their crews, and the whole so shattered, that the expedition for the time was reluctantly abandoned. The British being now superior in force, and awake to their danger, no new attempt could be speedily undertaken; the troops were therefore dispersed to their cantonments, and the young pretender returned to Paris to brood over the unexpected disappointment of his first and fairest expectation.\*

The sailing of the Brest fleet struck the British government with the greatest consternation. The country was emptied of soldiers; the main fleets were on distant stations; and the ships at home were scattered in different harbours. Parliament then sitting were apprised of the fact by a message from the king, which was answered by the customary loyal addresses; the habeas corpus act was suspended, the militia ordered to be called out, and the nation put in a state of defence. Earl Stair, forgetting the usage he had met with, volunteered his services, and was named commander in chief. A requisition was immediately sent to Holland for auxiliaries, and to the continent, to bring back part of the troops. The marquis of Tweeddale, now secretary, sent expresses to Scotland to the lord justice clerk, the general of the forces, and to the lord president, to communicate their fears that the expedition might reach Scotland, as the vessels had been observed sailing

\* "On Tuesday the 21st, several French officers were busy about exchanging French money for English, declaring they expected to be in England on Friday or Saturday next at farthest."—*Authentic Information Concerning the Proceedings of the French.* Lond. Gazette, 1744.



north. The president assured him of his prompt endeavours to procure intelligence, and referring to his former letter, asked whether he was not now convinced of the justice of his advice, and whether the king's service did not absolutely require that a force of the kind he had suggested should remain established in the highlands? But the advice was forgotten, and the "patriot ministry," when the danger was over, showed a greater eagerness to extend the punishment of crime than to prevent its commission. An act was brought in to render correspondence with the pretender's sons treason, and the clauses in the act for strengthening the union, [vide pp. 83—86] which corrupted the blood and confiscated the estates of rebels, were continued during their lives;\* yet not one step was taken to provide for the security of that part of the kingdom where his interest was strongest, to which their direction had been so repeatedly called, and where, if at all, an attempt was to be expected.†

The general assembly of the church of Scotland [1743] in these troublous times passed quietly over, but deserves to be remembered with gratitude, as that in which was matured the scheme for securing a provision for the widows and orphans of ministers and professors of colleges, upon which Mr. [after Dr.] Alexander Webster of Edinburgh, had bestowed unwearied labour. The same year a bill was passed in parliament legalizing the plan; and in 1744, the assembly proceeded to act upon it, after voting their thanks to Mr. Webster, with whom it originated, and who thus became the means of producing more real advantage to numbers of the truly deserving, who must otherwise have been left destitute, than almost any other benefactor of the church.

After Simpson had been dismissed the divinity chair of Glasgow, it might have been expected that great care would

\* This last clause was strongly opposed by the duke of Bedford and the earl of Chesterfield in the house of lords, and by William Pitt in the house of commons.

† Culloden Papers, Add. 365. Parliament. Regist. Lond. Mag. 1744. Scots Mag. id. An.

have been taken in selecting a successor of the most unimpeachable orthodoxy; the college preferred a moderate man, whose literary acquirements were of more repute than his divinity, and chose William Leechman. He was far from being esteemed an evangelical preacher, and he had published a sermon on "The Nature, Reasonableness, and Advantage of Prayer," in which that duty was explained and enforced upon general philosophical principles, without reference to the christian doctrine of acceptance through a mediator, or of the necessary influence of the holy Spirit. Soon after his admission, an elder brought his sermon under notice of the Glasgow presbytery, but before they pronounced upon it, the professor carried the subject by a complaint before the synod, who, after hearing his explanation, found that he had removed any cause of offence. From this decision the presbytery appealed to the assembly. The professor's defence was, that the publication was intended as an answer to a late pamphlet which represented prayer as an absurd, unreasonable, nay a blasphemous practice; and as the pamphlet only attacked one part of prayer, "offering up our desires to God," but not the other part of it, offering them up in the name of Christ, the discourse was mainly limited to the application and vindication of this part of prayer, without touching the second part, which he considered as a separate, or at least a different branch of the same subject; and that the omissions complained of did not proceed from any disregard of these important and fundamental doctrines of christianity, but from a persuasion that it is necessary to convince men of the reasonableness of offering up their desires to God, before you can convince them that it is a reasonable thing to offer them up in the name of Christ. And if any of the expressions were so incautiously worded as to lead any person to think that he meant to assert that the merits and propitiation of Jesus Christ were not the only grounds of a sinner's acceptance with God, he disclaimed them:—these doctrines he avowed when he subscribed the Confession of Faith, which he was again ready to sign, if required, as the confession of his faith.

The assembly in consequence, without a vote, declared that the professor had given abundant satisfaction concerning the orthodoxy of his sentiments, and that there was no ground for any further trial of the said professor, in respect of that sermon; at the same time, they did not mean to express any approval of the sermon as a whole. Some were satisfied with the professor's declarations, but the sentence did not please all the evangelical party. Mr. Willison thought "that, let his after declarations, when in hazard of censure, be never so sound, yet the foresaid omissions in a printed sermon were so very culpable, and such a bad example to students of divinity in one that is their teacher, that the sermon ought to have been disapproved, the professor admonished, and all preachers warned against such a Christless way of preaching."

When the seceders left the establishment, they carried with them the favourable opinion even of those who could not go the whole length they did; but the virulence of their opposition to what was considered by the most eminent ministers of the church as the work of God,\* had greatly cooled this friendly feeling towards them among the only portion of the people who took an interest in these matters. Of this the associate presbytery appear to have been sensible, and, to regain the ground they had lost, they passed an act concerning the doctrine of grace, and determined upon a solemn renewal of the covenants; with which commenced their first dissensions among themselves, Mr. Nairne upon that occasion withdrawing from their communion. They however proceeded notwithstanding, and on the 28th day of December 1743, which they observed as a day of public fasting, the ministers present, with uplifted hands, swore and afterwards subscribed a bond

\* The ministers who particularly examined the subject upon the spot, and who attested the narratives of the proceedings at Cambuslang and Kilsyth, and whose attestations were printed and widely circulated at the time, were men of as solid judicious piety, and of as discriminating minds as any that ever adorned the church of Scotland. It is sufficient to name Dr. Gillies of Glasgow, Dr. Alexander Webster, Edinburgh, Mr. Willison, Dundee, Mr. Gillespie of Carnock, and the late venerable Dr. John Erskine.

and engagement, to which was prefixed a long confession of sins, "of which," says Mr. Brown, "it is probable few of their people could fully know the import and certainty." By an act of the presbytery at Edinburgh, in the month of February following, they determined that the renovation of the national covenant of Scotland, and the solemn league and covenant of the three nations, in the manner now agreed upon and proposed by the presbytery, should be the term of ministerial communion with that presbytery, and likewise of christian communion in the admission of the people to sealing ordinances, secluding therefrom all opposers, contemners, and slights of the said renovations of our solemn covenants.

This act was greatly condemned by a number of themselves. "It was thought by many," the historian of the secession informs us, "quite unreasonable, that a person zealously attached to divine truth, nay, to our subordinate standards and covenants, and of an eminently holy practice, should be excluded from church fellowship with them, merely because he could not understand the meaning or certainty in this bond and acknowledgment of sins, or would not confess or swear to God what he understood not. Not a few of the seceding ministers were afterwards sensible of the sinfulness of this act; nor do I know that ever the most zealous for covenanting did, with respect to the admission of their people to sealing ordinances, act up to the tenor of it."\*

Silently, yet steadily, the remnant of the old consistent covenanters, who refused to turn to the right hand or to the left, had continued under the ministry of Mr. M'Millan, when Mr. Nairne, perceiving that if the original reformation attainments of the era between 1638 and 1649 were to be revived and maintained in their purity, it must be in conjunction with the almost-forgotten society-men, joined them. Nor is it easy to perceive how any person can conscientiously contend for a renewal of the covenants, and separate the civil

\* Historical Account of the Rise and Progress of the Secession, by John Brown, late professor of divinity under the associate synod.

and ecclesiastical obligations they contain, can assert and bear testimony for reformation principles in the church, and forego striving for reformation principles in the state; in short, reckon it a sacred and bounden duty to abjure prelacy in the one, and acknowledge lords spiritual in the other. About this Mr. Nairne and the seceders split: yet once admit that the covenants were the vows of God ratified on high; that they were holy irrevocable bonds, in which the fathers engaged for the children, according to the commandment of the Lord; and then they allow of no compounding; circumstances must bend to their imperative injunction: nor is it lawful to recede in any situation from any *one* point of reformation to which the fathers had reached. Upon the accession of Mr. Nairne, Mr. M'Millan and he, with some elders, constituted themselves into a presbytery, under the name of the "reformed presbytery," a title they still bear, "not," say they, "that they consider themselves as any better than other men, or as having in their own persons arrived at higher degrees of perfection; but purely for this reason, that it is at least their honest intention faithfully to adhere to the *whole* of our reformation attainments in both church and state, without knowingly dropping any part of these."\*

Open war between Great Britain and France immediately followed the abortive attempt at invasion; and a new revolution in the British cabinet, which transformed some of the most turbulent oppositionists into courtiers, produced what was elegantly termed "the broad-bottomed ministry." Mr. Pelham was at the head, as first lord of the treasury; and the other appointments comprehended the earls of Harrington and Chesterfield, the duke of Bedford, Mr. afterwards sir George, then lord Littleton, sir John Hynde Cotton, and sir John Phillips. The measures which, when out of place, they had violently condemned, they now as vigorously pursued, but with this advantage, that public opinion had changed; the national hatred to

\* Short Account of the Old Presbyterian Dissenters, published by authority of the reformed presbytery in Scotland. Glasg. 1824.

France had been awakened ; the interesting struggle of the lovely queen of Hungary had stirred up some latent chivalrous feeling in their bosoms, and they were no longer disposed to sit quietly and see the Netherlands overrun. The nakedness of the land was forgotten, and the whole disposable troops of Britain were committed to the care of the duke of Cumberland, a general of one year's standing ; whose talents poorly compensated for his inexperience, and who at Fontenoy, by an immense waste of blood, established his claim to courage at the expense of his generalship. This last event gave rise or urged on an enterprize, the most wild and romantic that ever the thoughtless temerity of youth attempted, or that men, not altogether devoid of rationality, ever engaged in.

The young pretender, under the name of chevalier Douglas, had passed the summer of 1744 in restless privacy, and his Scottish partizans in fretful suspense. All communication between them had been interrupted, and each remained ignorant of the others motions, till about the beginning of autumn Murray was again requested to go to Paris to procure intelligence. On this occasion he was introduced to Charles, who had repaired to that capital personally to enforce his solicitations on the French ministry. In a private interview, Mr. Murray, who had learned that there was no immediate prospect of any effectual assistance, assured him that the persons about him were imposing upon his confidence, when they represented success as probable without such aid : he told him, the undertaking, unless supported from abroad, was desperate ; for supposing every friend in Scotland whom he expected were to join him, he would not be able to muster above four or five thousand men, and the consequence of their rising would only be the ruin of many noble families, and an useless destruction of the country. But he was deaf to every argument ; the misery and wretchedness he was about to inflict upon the infatuated adherents of his house, had no weight with him. Adverting to the association, he said he did not doubt but his most christian majesty intended renewing the invasion in the spring, and added,—with the

unfeeling headstrong selfishness of his race,—at all events he was determined to come to Scotland, and throw himself upon their loyalty.

With this intelligence, Mr. Murray returned to Edinburgh, and reported the success of his embassy to several members of the association, who all concurred—with the exception of the duke of Perth—in deprecating the project of the young pretender's coming to Scotland, and Murray was directed immediately to dissuade him from so rash an adventure. A letter, urging the fatal consequences likely to arise, was accordingly entrusted to a gentleman in the month of January 1745, to be forwarded; but owing to neglect or accident, it was never sent; and in the month of June a communication was received from Charles, announcing that in the latter end of the month he expected to be with his friends in the west, and appointing signals for his landing. Murray instantly conveyed the information to the duke of Perth, and set off himself for Lochiel; Lovat, being consulted, declared that it was a mad and foolish undertaking, that if he came, none of his men should join him; and all the highland chiefs coinciding in this opinion, it was resolved that he should not be suffered to land, but desired to return. By their direction Murray addressed a representation to him, detailing the wretched state of the country, the difficulties and disadvantages of any unsupported rising, and intreating him to leave them till some more favourable opportunity; which was intrusted to a confidential agent, to be delivered in case he should make his appearance on that coast.

Meanwhile Charles, who imagined from the accounts current in France, that the allied army was entirely cut to pieces, and that no troops could be spared from the theatre of war for the defence of Scotland, buoyed up with the belief that the whole population was friendly, and conceiving that no such favourable opportunity might again occur, informed the French ministers of his fixed determination to commit himself to his fate. From them he received but little encouragement, and he owed to two merchants, Messrs. Walsh and Rutledge, sons of Irish refugees, the armament, such as it was, with which he sallied forth

to conquer a kingdom. It consisted of the *Elizabeth*, an old man of war of sixty guns, and a privateer, the *Doutelle* of sixteen: they carried a corps d'Elite of one hundred men, raised by lord Clare, two thousand muskets, and about five or six hundred French broad swords. The exchequer contained not quite four thousand pounds. His retinue was suitable to his finances rather than his situation, for, with the exception of the marquis of Tullibardine, who had forfeited the dukedom of Athol for his family, it contained not one man of influence, experience, or talent. Four Irishmen, Sir Thomas Sherdan, who had been his tutor; Sir John Macdonald, an officer in the Spanish service; Kelly, formerly Atterbury's secretary, and Sullivan; two Scottishmen, Æneas Macdonald and Mr. Buchanan; one Englishman, Strickland; and an Italian valet,—composed the hopeful company.\*

In the latter end of June one thousand seven hundred and forty-five, the expedition left France—Charles and his party on board the *Doutelle*—and steered for the *Æbudæ*; but they had not proceeded far, when unluckily a British sixty-gun ship, the *Lion*, crossed their path. Leaving the *Elizabeth* alone to encounter the enemy, which she did so determinedly that both were obliged to part disabled, the frigate bore away for the Western Islands, and found shelter from three suspicious sails in the sound between North Uist and Eriska, on the latter of which Charles landed as an Irish priest, and lodged that night in the house of the tacksman. Learning that the chief of Clanranald and his brother, Macdonald of Boisdale, were at South Uist, he dispatched a messenger to Boisdale, who immediately obeying the summons, was received in state on board the vessel to which the adventurer had returned. The chieftain frankly informed him of the resolution of the highlanders, and advised his departure; nor could he be prevailed upon to introduce him to his nephew, young Clanranald, who was not far distant on the main land; but after fruit-

\* There were, besides, three other menials, whose names are not mentioned, probably French or Italian.—Journal of P——— C———'s Expedition into Scotland, &c. Lockhart Papers, vol. ii.



lessly reiterating his advice to Charles to desist from his rash and ruinous undertaking, left him.

To return with the stamp of folly on his forehead, and add disgrace to dependence, was impossible. Charles chose rather to face danger than encounter ridicule, and went forward. From the bay of Lochnanuagh, where he next anchored, he sent ashore Æneas Macdonald, who quickly returned, bringing with him his brother, and young Clanranald, accompanied by the Macdonalds of Glenaladale, and Dalily and another gentleman of the clan, whose journal is printed in the second volume of the Lockhart Papers. A large tent was erected on the deck for their reception, plentifully furnished with a variety of wines and spirits, where Tullibardine, styled by his friends duke of Athol, acted as master of ceremonies. While the others were regaling themselves, Charles, retiring with Clanranald and Kinlochmoidart, addressed them with earnest emotion, and conjured them to assist their prince, "their countryman," in the hour of his extremity.\*

\* The following account of his first appearance, by one who was present, is curious: "After being three hours with the prince, Clanranald returned to us, and in about half an hour after, there entered the tent a tall youth, of a most agreeable aspect, in a plain black coat, with a plain shirt not very clean, and a cambric stock fixed with a plain silver buckle, a fair round wig out of the buckle, a plain hat with a canvas string having one end fixed to one of his coat buttons; he had black stockings, and brass buckles in his shoes. At his first appearance I found my heart swell to my very throat. We were immediately told by one O'Brian, a churchman, that this youth was also an English clergyman, who had been long possessed with a desire to see and converse with highlanders. When this youth entered, O'Brian forbid any of those who were sitting to rise, and we only made a low bow at a distance. I chanced to be one of those who were standing when he came in, and he took his seat near me, but immediately started up again and caused me sit down by him upon a chest. I, at this time, taking him to be only a passenger, or some clergyman, presumed to speak to him with too much familiarity, yet still retained some suspicion he might be one of more note than he was said to be. He asked me if I was not cold in that habit? (viz. the highland garb.) I answered, I was so habituated to it that I should rather be so if I was to change my dress for any other. At this he laughed heartily, and next inquired how I lay with it at night? which I explained to him. He said that by wrapping myself so close in my plaid I would be unprepared for any sudden defence in the case of a surprise. I answered, that in such times of danger, or

At first they positively refused, and depicted strongly the certain destruction they would pull down upon their own heads, and that of their friends, were they to take arms without concert and without assistance; but arguments were vain: neither the folly of the attempt, nor the misery of the failure, had the least effect on "their prince:" he entreated, implored, and insisted; and when he found all unavailing, after pacing the deck for some time in almost hopeless agitation, he abruptly turned to a younger brother of Lochmoidart, who had been listening, and asked him,—"Will not you assist me?" Ronald, who was strongly excited at the moment, unhesitatingly replied, "I will! I will! though not another in the highlands should draw a sword, I am ready to die for you." Charles's acknowledgments were unbounded, and he uttered a wish that all the highlanders were like him! The two chiefs perceived, and felt the reproachful allusion, and overcome by a weakness not unexampled, they allowed their feelings to usurp the throne of their judgment, and in an evil hour consented to peril their own fortunes and sacrifice the happiness of their country for the sake of a justly forfeited family, and at the passionate urgency of a presumptuous boy. Three days were spent in deep consultation, the result of which was that Clanranald undertook an embassy to sir Alexander Macdonald of Slate in Sky, and Allan to the laird of M'Leod, to induce them to join in the enterprise, and notice was sent to the other friendly chieftains. On the twenty-fifth of July, Charles Edward Stuart planted his ominous foot for the first time in Scotland: he landed near the farm of Boradale on the south shore of Lochnanuagh.

during a war, we had a different method of using the plaid, that with one spring I could start to my feet, with drawn sword and cocked pistol in my hand, without being in the least incommoded with my bedclothes. Several such questions he put to me; then rising quickly from his seat he calls for a dram, when the same person whispered me a second time to pledge the stranger, but not to drink to him, by which seasonable hint I was confirmed in my opinion who he was. Having taken a glass of wine in his hand, he drank to us all round, and soon after left us.—*Journal and Memoirs of P. C.'s Expedition into Scotland, &c. 1745-6. By a Highland Officer in his army. Lockhart's Papers, vol. ii. p. 479, et seq.*

# THE HISTORY OF SCOTLAND.

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## Book XXIII.

**BORADALE**, where Charles waited the return of his messengers, was exactly such a spot as the lord president in his communications with the marquis of Tweeddale had pointed out, as well adapted for organizing in secrecy the rudiments of a rebellion. Situate in the bosom of the west highlands, it was surrounded by friendly clans, and inaccessible to the emissaries of government, though not above a hundred and fifty miles distant from the capital. But at first his prospects were bleak and cheerless, the chiefs of Skye, upon whom he had reckoned with certainty, determined not to hazard themselves in a game doubtful at best, but without foreign aid desperate, and for some time Clanranald stood alone.

At length, after repeated invitations, Cameron of Lochiel having consulted with Lovat, determined to pay him a visit of courtesy, to explain to him the hopelessness of his cause, and persuade him to return: he had been the soul of the party, was present at all their deliberations, and the devotion of his family was attested by the attainder of his father: but at the interview which followed, his arguments were perfectly fruitless, every suggestion of prudence was treated as cowardice, and with the clearest perception of his own folly, the brave and generous Cameron allowed himself to be overcome by the idle taunt

of an unfeeling Italian. "In a few days," said the young pretender in answer to his intreaties not to involve himself and his party in ruin, "in a few days, with what friends I have, I will erect the royal standard, and proclaim to the people of Britain, that Charles Stuart is come over to claim the crown of his ancestors, to win it or to perish in the attempt. Lochiel, whom my father has often told me was our firmest friend, may stay at home, and learn from the newspapers the fate of his prince." "No," replied Lochiel, "I'll share the fate of my prince, and so shall every man over whom nature or fortune has given me any power." When Lochiel yielded, the die was cast; for upon his decision depended the conduct of the rest; and when he returned to raise his own men, orders were issued, August the sixth, by Charles, for the other friendly chiefs to repair to Glenfinnan on the nineteenth, when the royal standard was to be raised.

Uncertain rumours of the landing of "the prince," and the gathering of the clans, were quickly spread over the highlands; but as all the sources of intelligence were in the possession of friends, the officers of government were late in procuring information, and what reached them was generally dressed up to answer a purpose; while, on the other hand, the rebels had the earliest and most accurate accounts of every movement that was going forward, and in consequence the latter were enabled to achieve a surprisal, which, with a little exaggeration, gave to their commencement a romantic character suited to the extraordinary nature of their enterprise. The governor of Fort Augustus, acting upon some vague report, dispatched two companies of the royals, commanded by captain, afterwards general Scott, to reinforce the garrison of Fort William. They had set out early in the morning along the military road, in that quarter almost a continued pass of twenty miles, with mountains on the one side and the lochs Oich and Lochy on the other, and had reached "high bridge" thrown across the Spean, where the country becomes more open, within a few miles of their destination, when they were startled by the sound of the bagpipe and the appearance, at a little distance, of a party of high-

landers skipping before them and flourishing their swords. Captain Scott, not greatly delighted with the spectacle, ordering his detachment to halt, sent forward a serjeant and his own servant to ascertain their intentions, when two active fellows sprang out from the performers, and fairly carried them off to their companions on the other side of the bridge. The captain, ignorant of the number of his opponents, as his men were chiefly raw recruits, faced about and commenced a retreat. The highlanders, who were not above a dozen, headed by Macdonald of Tierndreich, who had previously been observing the march of the troops, and had sent for assistance, did not immediately follow; but after allowing them to get fairly entangled in the narrowest part of the road, with the agility of mountaineers took the highest cut through the hills to the wood of Longanachdrom, and from a post, where his small band was concealed by the trees, commenced firing upon the soldiers, who quickened their pace to escape an enemy their fears had rendered formidable. The report of the pieces quickly collected reinforcements; and captain Scott, on reaching the east end of loch Lochy, descrying another party of highlanders on a hill at the west end of loch Oich, marched across the isthmus that divides the lakes, with a view of taking possession of Invergarry, a strength belonging to the chief Glengary; but he had not gone far, till he perceived the clan advancing against him. Pursued by his original assailants, now joined by Macdonald of Keppoch, and fronted by the Macdonnells of Glengary, he still marched on in a hollow square, when Keppoch, advancing alone, offered him the alternative of quarter or destruction. Surrounded on every side, and himself wounded, he preferred to lay down his arms. Lochiel, who arrived shortly after the surrender, carried the prisoners along with him, and treated them with the greatest kindness. Two of the royals were killed; the highlanders suffered no loss.\*

From Boradale Charles removed to Kinlochmoidart, whence, on the 19th of August he proceeded to Glenna-

\* Home's History of the Rebellion, 4to, p. 46. *et seq.*

ladale, preparatory to unfurling his father's standard. On the morrow, accompanied by about twenty-five attendants, in three boats, he sailed to Glenfinan, the scene of this important ceremony, and landed in that wild and sequestered glen about noon; but no one waited to greet his arrival, and he spent two hours of impatient expectation, in a small hovel, till at length, Lochiel, with his Camerons, nearly eight hundred, marching in two lines, each three deep, with their disarmed prisoners between, relieved his anxiety. The standard was then raised by the marquis of Tullibardine,—who, himself, needed to be supported during the operation,\*—amid the tumultuous rejoicing of the highlanders; a commission from the pretender, duly constituting his son sole regent, was then produced, and a manifesto published, enumerating the grievances of Scotland, in being reduced to the state of a province, by the union, loaded with taxes, her trade ruined, her highlanders disarmed, and a military government introduced; promising pardon to those who had deserted their duty, and happiness to all who should return to their allegiance, in the common style of such proclamations. Both were of the same date, Rome, 23d Dec. 1743. In about an hour after, Keppoch arrived with three hundred retainers, and a few stragglers also coming in, Sullivan was appointed adjutant and quarter-master-general of “the prince's army,” amounting to at least one thousand men.

At no period could fairer trial have been made of the strength of the adherents of the house of Stuart. They had succeeded in lulling the suspicions of government; they in general had retained their arms which their rival clans had not; there was hardly a veteran soldier in the kingdom, and neither money, muskets, nor ammunition at the command of the Scottish servants of the crown. In the scramble for power at the seat of go-

\* “Such loud huzzas, and schimming of bonnets up into the air appearing like a cloud, was not heard of of a long time.”—Letters from Mr. Ter. Mulloy, in the Culloden Papers, p. 387. Honest Terrence adds a very natural circumstance respecting the release of captain Sweetnam, who had been unexpectedly made prisoner, and all that he had taken from him: “The prince had ordered him a pair of horses in lieu of his own, but that was neglected.”

vernment, the highlands had been forgotten, and some of their most influential chiefs overlooked and affronted, while those who had advanced cash on the former occasion had not been repaid, much less rewarded. The party friendly to the protestant succession were divided among themselves, and many of their leading men were careless about the principles, and lukewarm about the cause for which their father's had bled; above all, there was a strong propensity in the multitude to believe, that the number and power of the jacobites was greater than it really was, and a feeling of sympathy for a family known only as unfortunate, was spreading among a generation who had never felt that they deserved to be so.

Lord President Forbes, to whom his country had owed so much in the year 1715, was destined to lay it under still greater obligations in 1745. He not only prevented the chiefs of Skye, sir Alexander Macdonald and the laird of M'Leod, from taking any active part in the rebellion, convinced them both of their real interest, and kept them steady to the house of Hanover, but had converted them into partizans. From M'Leod he learned, so early as July, that the young pretender meant to hazard his person in Scotland, and, although he reckoned it an unlikely project, he communicated it to sir John Cope, who transmitted the intelligence to the regency, and anxiously pressed upon them the propriety of being provided for exigencies; but they treated his apprehensions as groundless, and appeared more anxious to guard the lieges against alarm than against danger. When the fact, however, had already taken place, and the clans were in motion, but before any certain account from Scotland had reached London, the government were apprised of the sailing of the expedition: and the lords justices issued a proclamation, in terms of the act of parliament, offering a reward of thirty thousand pounds for the apprehension of the young chevalier. The paper quickly reached Charles' head quarters, and was answered from "our camp at Kinlochiel," by the offer of a similar sum for the capture of the elector of Hanover, then in Germany, and for preventing

him from landing, or attempting to land, in any part of the British dominions.

M'Leod also communicated to the president the first authentic information of Charles' actual arrival, and Clanranald's embassy, but misled him with regard to the probable risings, being himself deceived by the assurance of the latter, that neither he nor his friends would assist in so rash an attempt. The president, however, instantly carried his letter to sir John Cope, on the 9th of August; and, in conjunction with the lord advocate and solicitor-general, gave it as their united advice, "that the most effectual way of putting a stop to wavering people joining with the disaffected, so as to make a formidable body, was immediately to march and stop their progress," for, although they never imagined that Charles had ventured alone without certain assurances of support, yet they believed that a great number of the clans were friendly to the settled government, or at least doubtful, and would, from motives of prudence, join with the party who could first take the field with a show of force. That same day his lordship set out for the highlands, and the commander-in-chief having communicated his intentions to the marquis of Tweeddale, made dispositions for instantly following. The regency, who took it for granted that it would only be necessary for a king's force to make their appearance in the north in order to maintain an irresistible ascendancy, sent sir John, in return, express injunctions to follow out the plan he had proposed, and without losing a moment, transport himself and his soldiers to the heart of the highlands, march direct for Fort-Augustus, and attack and disperse the rebels wherever they could be found.\*

Could his forces have been put in motion with the celerity of later times, there seems little doubt but that the insurrection would have been crushed in the bud, even with such troops as he might have been able to muster. But every article was to provide, and his commissariat was not arranged for doing things in a hurry. Money, the grand

\* Culloden Papers, p. 385. Marquis of Tweeddale's Letters, printed in the Appendix to the Report of General Officers. Lond. 1749.



sinew of war; had been with difficulty procured;\* and as it was necessary to carry his provisions with him through a country that furnished none, he was detained nearly a fortnight till bread could be furnished. His army, when assembled at Stirling, consisted of twenty-five companies of foot, about fourteen hundred men of the youngest regiments in the service, a train of four field pieces, one and a half pounders, and four cohorns, but without artillery men. The troops, having been totally unaccustomed to take the field, were quite unprepared for active service; their means of transport being extremely deficient, rendered it an arduous task to put them in motion, and yet more difficult to keep them in marching order when they were. Small as was their number, the general was obliged to start in two divisions, the first of which only left Stirling on the 20th, and had to halt at Crieff to wait for the second with a supply of biscuit, which did not arrive till the night of the 22d.

Before he left Edinburgh, the duke of Argyle† had expressed a doubt how far he could legally put arms into the hands of his clan without a new act of parliament, at Crieff, he perceived more clearly the futility of all aid he must expect from the highlands; his grace of Athole and lord Glenorchy, upon whom he reckoned for considerable reinforcements, sent the one fifteen men, and the other a promise of five hundred, if he would wait three days. Disappointed in this material object, he ordered back seven hundred of a thousand stand of arms he carried with him, and would himself willingly have returned, but his instructions were so explicit, that he durst not venture to discontinue his march.‡ As he proceeded, fresh difficulties arose at

\* On his examination, general Cope stated, that he only got money on the 19th, the night before he set out for Stirling.

† Late Archibald, earl of Islay. John died, September 1743.

‡ Sir John Cope seems always to have been afraid of acting beyond the line of his instructions, and by his own account appears to have constantly walked in fetters; to this perhaps may be attributed his want of success at the outset. Instead of inviting the highlanders to come in families under their own leaders, he wrote to the duke of Athole and lord Glenorchy to get a body of men to list into the regiments which were to march northward, and promised to give it under his hand to

every step. They carried no provender for their baggage horses, who, after a day's march, were turned out to the open fields to graze, and could scarcely ever be collected before noon next day. The drivers, too, were disaffected; and in one night at Trinifuir, they lost two hundred of their cattle, with as many bags of biscuit. About fifty men of lord Loudon's regiment, joined him at Tay Bridge, but, in a few days, he only retained some fifteen, the rest having deserted in the course of his progress, carrying intelligence of his every motion to the rebels; and at Dalnacardoch, he learned that an army, superior to him in number, scarcely inferior in appointment, and infinitely better fitted for mountain warfare, was assembled, and in possession of the commanding positions of the country.

When he reached Dalwhinny the intelligence was confirmed; and he assembled a council of war, to consider whether they should continue the route to Fort Augustus, across the Corryarack, diverge to Inverness, or return to Stirling. The first was over an immense mountain, almost perpendicular, before reaching whose summit the army must pass along seventeen traverses in face of an enemy, who might render each a separate entrenchment; and if gained, which was highly improbable, the descent was nearly as hazardous, while further progress could have been easily stopped, by destroying the bridges. To return would be to give up the north, without obstructing the march of the rebels south; for the highlanders, unincumbered and light, by crossing the mountains, had it in their power either to proceed in different directions, or to intercept their opponents' retreat, by breaking up the roads, cutting off their provisions, and harassing them at every step. To take the more practicable route to Inverness by Ruthven alone remained; by this they would advance upon friendly clans and supplies, while their presence would encourage their adherents, fix the unsteady, and, by threatening the lands

every man who thus enlisted, that they should have their discharge at the end of three months certain, and sooner if the service did not require their continuing. Report, &c. p. 16. The lord president, when too late, recommended the former plan. Culloden Papers, Ad. p. 384.

of the rebels, force them to return for the protection of their property. This last, which was the unanimous opinion of the council, was adopted by the general.\*

Charles commenced his march simultaneously with Cope, and on the 20th moved to the head of Loch Lochy, where he remained till the 23d, the night of which he spent at Fassifern. On the 26th, he rested at Moy, in Lochaber, and was joined by Steuart of Ardshiel, with two hundred and sixty of the Appin men; in the evening an express from Gordon of Glenbucket informed him, that his adversary was approaching Dalwhinny in full march for Fort Augustus; and the resolution was instantly adopted of seizing the Corryarrack. His small army increased as they went forward, the Macdonnells of Glengarry, with the Grants of Glenmorrison, arrived, on the 26th, at Aberchaloder; and they numbered upwards of eighteen hundred, when they halted on the top of the mountain, to await the arrival of the adverse army. A deserter brought them notice that the royal general declined a meeting upon the terms they offered, and they instantly descended to pursue; but at Garvymore, the first stage, a council of war, influenced by Murray of Broughton, who now acted as secretary to the adventurer, determined to march south, and attempt

\* "At this time," he told the board, "I was in hopes that this assistance I expected from the well-affected clans upon our marching northward, would have been so considerable, as to have enabled us to march one body of them into the country of the rebels, to drive their cattle, and distress their families, and thereby force them to return home, while, with the remainder, joined to the king's troops, we marched in quest of the rebels wherever we could come up with them. The clans we had reason to expect at Inverness were the duke of Gordons, Grants, Macphersons, M'Intoshes, Frasers, M'Kenzies, Monros, Ross, Sutherlands, M'Kays, and from the isles M'Donalds and M'Leods; major M'Kay informed lieutenant-colonel Whiteford of an association between lords Sutherland and Rae; and that major said he could raise 500 of these men who had been disciplined in the Dutch service." Report of the proceedings and opinion of the board of general officers on their examination into the conduct, &c. of lieutenant-general sir John Cope, &c. Lond. 1749, p. 28, et seq.

to surprise the capital; a measure recommended not less by the necessity of procuring supplies, than by its boldness, as calculated to encourage their friends and strike terror in their enemies. Meanwhile, a detachment of three hundred men were sent from their bivouac to surprise the barracks of Ruthven, and seize M'Pherson of Cluny, who had been with sir John Cope, and gone home to raise his men for the king's service. The post was successfully defended by twelve soldiers and a serjeant, who beat off the assailant party with loss, after they had fired the sally port; but their associates, who had seized Cluny, returning at night, they stripped the hamlet of what provisions they could lay hold on, and overtook the main body at the inn of Dalwhinny.\*

Thence they continued their route by the Blair of Athol, where they rested for two days, and were joined by lord Nairne and several gentlemen of the county. The marquis of Tullibardine took transient possession of the castle in absence of his brother, and spent with his prince an hour of ephemeral splendour in the ducal palace, which but for him he might have called his own. Lochiel and Nairne were sent forward to proclaim the pretender at Dunkeld and Perth, which latter place Charles entered with the remainder of his army on the fourth of September. When he reached Perth, his exchequer was reduced to the last guinea, and he was detained eight days replenishing his coffers and organizing his men. Clanranold and Kerpoch were dispatched to Dundee, where, besides seizing the public money, they took possession of two vessels laden with arms and ammunition;† and others scoured the neighbourhood in smaller parties, to collect the revenue. His army, which was reviewed on the Inch, notwithstanding its occasions, by no means equalled his expectation; and when chevalier Johnstone, in the fervour of his youth-

\* Lockhart's Papers, vol. ii. p. 443. Report, &c. App. No. 24.

† The journalist says, they were sent up the Tay, but they must have been either very poorly laden, or they never reached Perth, as the rebels continued only half armed, till after the battle at Prestonpans. Lockhart Papers, v. ii.

ful enthusiasm, added himself to the number, he was amazingly disappointed at the difference between the rumour and the reality of the insurgent force. Though several of the gentry were attracted, there was no enthusiasm in the cause; the people looked on and wondered, but few offered to swell the ranks, and their landlords fortunately had no power to compel. The duke of Perth, however, who came in here, brought with him about two hundred of his tenantry; Robertson of Struan, one hundred; and lord George Murray some Athol-men, whose numbers are not accurately mentioned.

But lord George was himself an host; he possessed a natural genius for military enterprise, was judicious both in the formation of his plans, and prompt and vigorous in their execution. Of the most daring courage, he was the first in advance and the last in retreat, and altogether such a man as was admirably adapted to supply the deficiencies of Charles, and to lead a desperate expedition. He was, in conjunction with the duke of Perth, named lieutenant-general of the forces. His appointment gave umbrage to the pretender's Irish friends, and a party was formed against him from the first moment of his entering upon the command, which included the prince's secretary and tutor, with the most of his earlier advisers, who could not brook the superiority that Murray too proudly claimed, and envied the confidence which they knew he merited, but did not always obtain from the pretender. Cluny, however, by his eloquence, was induced also to embark in the undertaking, and was dispatched to bring up his men whom he had promised to raise for the government.

Being now joined by all they had reason to expect in the neighbourhood, and having levied contributions as far as exigible, the rebel army on the eleventh started for the capital. About a hundred of the western tribes of Glenco and Macgregor falling in by the way, the whole halted that night between Dunblane and Stirling; on the 18th they crossed the Forth at the fords of Frew, and Charles dined with his officers at Leckie house, the owner of which had been hurried off prisoner the night before on account of the pre-

parations he was openly making for their entertainment.\* The army passed this night in an open field near Saughie, their chief being accommodated at a house in the vicinity. Next day the insurgents moved forward, and were saluted in passing by a few harmless shots from Stirling castle. They lodged in the evening in Callendar parks, the adventurer himself enjoying in "the house" the hospitality of the earl of Kilmarnock, who was, unfortunately for his family, seduced by this visit from his early allegiance. Colonel Gardner, with his dragoons, fell back at the approach of the rebels, but sent pressing requests for a reinforcement, having determined, if at all equal, to attack them upon their march, or make a stand at Linlithgow bridge. The rebels being apprized of his intention, lord George Murray, with a thousand highlanders, set out about two o'clock on the morning of the fifteenth to attempt a surprisal; but no reinforcement having come, the colonel had continued his retreat to Kirkliston;† and lord George took quiet possession of the burgh, where he waited till Charles arrived with the rest of the army after ten o'clock. The evening, Sunday 16th, they spent a few miles to the eastward. Next morning, they marched towards Edinburgh—the dragoons precipitately fleeing before them—but, to avoid the fire of the castle, struck off to the right at Corstorphine, and Charles pitched his head-quarters at Gray's Mill, while his followers, wrapt in their plaids, took possession of the fields.

Nothing could equal the confusion the neighbourhood of their unwelcome visitors occasioned in Edinburgh. At first they had been led to believe the rising so trifling, that the mere presence of the king's troops would be sufficient

\* Previously to pursuing his route, he sent an order at sight, dated Leckie house, upon the city of Glasgow, for fifteen thousand pounds, which, not being duly honoured, when he reached Edinburgh he dispatched Mr. John Hay, W. S. with summary diligence, when the magistrates offered a composition of six and eight pence in the pound, part to be taken in goods, which the agent accepted.

† Doddridge's Life of Gardner. Lockhart Papers, v. ii. 445. Home's Hist.

to quell it, nor could they imagine that a few ragged highlanders would dare to face a regular regiment, and as they heard nothing for a week after the army went north, began to think the business settled; but when an express brought the startling intelligence that the royal army had taken the road to Inverness, and that the rebels were in full march south, affairs began to assume a more serious aspect. The magistrates had previously determined upon measures of defence, and were deliberately waiting for the formality of his majesty's warrant, when the approach of the enemy was announced. The city-walls were rather higher, but not much more substantial than those of a common garden, and their only defenders were the redoubtable town-guard and the municipal militia, or train bands, whose arms were become as useless as they were unfit to use them; it was therefore proposed to strengthen the fortifications and mount them with cannon, and to raise a regiment of one thousand men by voluntary subscription; but no answer had been returned from London, and the enemy was at Perth, within two or three days' march.

At this juncture, a messenger arrived from sir John Cope to procure transports, and inform the inhabitants that he was hastening to their relief. Probably reckoning upon his speedy assistance, a number of citizens presented a petition to the lord provost for arms, and liberty to form themselves into a volunteer corps; his lordship, after being assured by his majesty's advocate and the solicitor-general that he might legally do so, granted the prayer of the petition, only retaining his right of nominating the officers. Unluckily, in the midst of this bustle, the election of magistrates came on, and "the trades" became so much occupied in the important preliminary of choosing their deacons, that they could not spare time for attending to the walls. Professor Maclaurin, who had undertaken to prop the fortifications, was thus left with a handful of "honest folk" to mount the cannon, repair the bastions, and barricade the gates, as he best might, even the provost himself being unable to procure him assistance. Full of zeal, the volunteers, already four hundred strong, received their arms in the college yards, the day after the



rebels left Perth, and immediately began "to toss their firelocks, and take a lesson from their drill serjeants;"\* but here also burgh politics interposed. Stuart and his friends had ousted Drummond and his party in 1740, and kept possession of office for five years. The ex-provost, who wished to regain his seat, became of course the warmest supporter of every measure about which the present chief magistrate appeared cool. Stuart, who never seems to have entertained any very high idea of the capabilities of soldiers of four days' training, was by no means willing to risk the citizens in actual contact, with men before whom regular troops had retired; but Drummond, who knew that he could at any time prevent all risk of this kind, got himself named captain of one of the companies, and affected a courageous forwardness, to recommend himself to the whigs, while the other's prudence, he foresaw, would incur the imputation of favouring the jacobites. Accordingly, when a report of the rebels' advance reached the city on Sabbath, and the volunteers had assembled, Drummond, without consulting with the provost, proposed that a detachment should, with a party of the town-guard, support the dragoons in an attack upon the enemy, or wait for them at Corstorphine. General Guest, who was left in command at Edinburgh, approving of the proposal, ordered Hamilton's dragoons, who were encamped on Leith Links, to form a junction with the other regiment at Corstorphine. The fire bell, the appointed signal, was then rung, and the volunteers marched to the rendezvous in the Lawnmarket; this alarm being given during divine service, the churches were instantly emptied, and the congregations assembled, where the armed citizens were waiting the arrival of the heroic dragoons. As soon as they appeared clashing their swords, mutual cheering took place, and the horsemen passed on. Captain Drummond, with a selection of his company, followed, attended by a crowd of mourners, lamenting a fate upon which the captain was too wise to rush. When this Spartan band had forced their way to the West Port, they found themselves alone, and sent back a lieutenant to learn



the line of march of their associates. To his astonishment he found them without officers, surrounded by their wives, sisters, and relatives, and could only prevail with about a hundred and forty to proceed as far as the Grass-market, where a fresh muster took place; the whole body, now including ninety of the town-guard, and the recruits of the regiment, amounted to upwards of three hundred, and were addressed by principal Wisheart, who conjured them by what they held most sacred to stay within the walls, and reserve themselves for the defence of the city. The captain, who had pushed the joke as far as it would well go, for a number of the young students had expressed their determination to proceed, sent a message to the provost to inform him that without his approbation they would not stir, and received for answer, as he expected, that he had never approved of their march, and was happy to learn their resolution to stay.

After the volunteers had retired, provost Stuart, who had got the royal warrant and legal power to act, ordered the town-guard and the men of the Edinburgh regiment to proceed and put themselves under colonel Gardner's command; and a guard, sufficiently strong, had they been either disciplined or true-hearted, was placed that night upon the walls and at the gates, now rendered tenable against such a force as the insurgents could have brought against it; but the indefinite terror which the highlanders inspired, increased by the various and contradictory reports of their fury and numbers, precluded all hope of an effectual defence, even had the town been provisioned for a siege, and the suburbs run no risk of being set on fire. A negotiation might, however, have been protracted for a few days, and time allowed for the forces from the north to arrive; but the dragoons, upon whom the chief and indeed the only reliance was placed, by their conduct rendered this impracticable.

Colonel Gardner had remained during the whole Sabbath at Corstorphine till sunset, when, posting a rear-guard, he retreated with the regiments to a field between Edinburgh and Leith, and the city detachment returned to their quarters. Brigadier Fowke, arriving that same evening from London,

the cavalry were placed under his command. Next day he was ordered by general Guest to take up a position at Colt Bridge, then at a distance of two miles from town. Thither he went, accompanied by lords Home and Napier, and reviewed the troops early in the morning; but the rebels advancing, and two or three, who had been sent forward to reconnoitre the guard at Corstorphine, having fired their pistols, they, without waiting to see the number of their assailants or return a shot, turned their backs, and carried their panic to the main body, who, between three and four o'clock, were seen pass in quick time along the north side of the town towards Musselburgh. A message from the young pretender, promising protection if quietly admitted, but military execution if opposed, had been carefully disseminated by a Mr. Alves in the forenoon; and now the people, dreadfully alarmed at the flight of their heroes, and dreading the horrors of a sackage, implored the provost not to expose the town by a useless attempt at resistance.

His lordship went immediately to a meeting of the magistracy and principal inhabitants in Goldsmiths' Hall, and in this dilemma sent for the justice-clerk and crown lawyers to assist by their advice, but they had left the city; and the terror and uproar increasing, the meeting adjourned to the New Church aisle, which in an instant was filled by the clamorous inhabitants. In the midst of the uproar, an unknown person on horseback galloped along the Lawn-market, crying out that the highlanders were coming! he had seen them, and they were sixteen thousand; the volunteers all the while standing in stupid amazement, Drummond at length proposed they should carry back their arms to the castle, and leading the way, was obeyed with more alacrity and less dissension than on the former occasion, though some who had enrolled in sincerity of soul, shed tears of vexation at the cowardly burlesque their officers had played them.

While the volunteers were piling their arms, the crowd in the church aisle, after much debate, obtained that a letter addressed to the magistrates should be read; it was dated, from our camp, 16th September 1745, and signed Charles, P. R. "Being now in a

condition to make our way into the capital of his majesty's ancient kingdom of Scotland, we hereby summon you to receive us as you are in duty bound to do; and in order to it, we hereby require you, upon receipt of this, to summon the town-council, and take proper measures for securing the peace and quiet of the city, which we are very desirous to protect. But if you suffer any of the usurper's troops to enter the town, or any of the cannon, arms, or ammunition now in it (whether belonging to the public or private persons) to be carried off, we shall take it as a breach of your duty, and a heinous offence against the king and us, and shall resent it accordingly. We promise to preserve all the rights and liberties of the city, and the particular property of every one of his majesty's subjects. But if any opposition be made to us, we cannot answer for the consequences, being firmly resolved at any rate to enter the city; and in that case, if any of the inhabitants are found in arms against us, they must not expect to be treated as prisoners of war." The clamour against resistance became universal, after this letter was read; and at eight o'clock in the evening, a deputation, consisting of four members of the council, was sent to the rebel head-quarters, to request that hostilities might not commence till the citizens had been consulted, when a proper reply should be sent. At ten they returned with an answer from "his royal highness the prince regent," informing them that he thought "the king" his father's manifesto and declaration a sufficient capitulation for all his subjects to accept with joy, and demanded to be received and obeyed as his representative. He hoped that no arms or ammunition had been suffered to be carried off or concealed, and gave them till two o'clock in the morning to return their answer.

About the time the deputies were treating with Charles, accounts were received of the arrival of sir John Cope off Dunbar, where, as the wind was adverse, he intended to land, and the tone of resistance was resumed; and the deputation was again dispatched to request a further suspension of hostilities till nine o'clock next morning. This Charles peremptorily refused, and ordered them instantly to depart. Their carriage belonged

to the Canongate, where coaches for hiring only were kept in those days; and, whether from a knowledge of this circumstance or by accident, it so happened that when the Nether Bow port was opened to allow it to pass home, Lochiel, with about eight hundred highlanders, were there at the moment, and rushed in with a hideous yell as if going to an attack; but all was quiet, and without obstruction they passed along the High Street, took charge of the city-guard house, and, planting guards upon the several gates, the main body drew peaceably up in the Parliament Close.

Charles quickly learned the issue of the stratagem, and about eight o'clock moved from Slateford with the rest of his army, making a circuit, to avoid the range of the castle guns. He entered the King's Park from Duddingston, and having sheltered his troops in the deep valley behind Arthur's Seat and Salisbury Crag, accompanied by his principal officers and suite, he proceeded along the Duke's Walk to take possession of the long-deserted palace of Holyrood House. The park was crowded, and the young chevalier, with great condescension, not only indulged the people by stopping to be gazed at, but, being a graceful rider, he mounted his charger, and exhibited himself on horseback for their gratification.\* When he had dismounted, and was walking along the piazza towards the

\* His appearance upon this occasion is thus described by Mr. Home, who was one of the spectators, and may be compared with that given in page 441. "The figure and presence of Charles Stuart were not ill suited to his lofty pretensions. He was in the prime of youth, tall, and handsome, of a fair complexion; he had a light-coloured periwig, with his own hair combed over the front: he wore the highland dress, that is the tartan short coat, without the plaid, a blue bonnet on his head, and on his breast the star of the order of St. Andrew. The jacobites were charmed with his appearance, and compared him to Robert the Bruce, whom they said he resembled in his figure, as in his features. The whigs looked upon him with other eyes; they observed that even in that triumphant hour, when he was about to enter the palace of his fathers, the air of his countenance was languid and melancholy; that he looked like a gentleman and a man of fashion, but not like a hero or a conqueror."—Hist. of the Rebellion, chap. v.

duke of Hamilton's apartments, Mr. Hepburn of Keith stepped forward, and, with his sword drawn, mounted the stairs before him, the first accession the rebels had in Edinburgh. He was a landed proprietor to no great extent, but, as an accomplished country gentleman, his character brought weight to the cause, for he was a known enemy to the tyrannous acts of the Stuarts, and no blind zealot for their indefeasible hereditary right; but he abhorred the Union, which had annihilated the importance of his rank, and had engaged in the rebellion in 1715, in which he lost a brother, [vide p. 227] since when, indignation at the wrongs of his country and his own had kept him a jacobite.

At mid-day, king James the third and eighth was proclaimed at the cross, the commission of the regency, and the royal manifesto read, with a proclamation in the name of Charles prince regent, offering pardon to all offenders in the present or former rebellions, the same or higher ranks to naval or military officers who should join him, and a gratuity to the men, promising a free parliament whenever quiet was restored, and, in the interim, security to the established churches, and protection to all protestants: all the civil authorities were continued, and the whole fencible population called out. An immense multitude assembled on the occasion, exhibited the common and faithless demonstrations of popular huzzaing; but the windows were filled with the youth and beauty of the capital, the waving of whose handkerchiefs betokened a more enchanting, and as it proved a more seductive and lasting loyalty.

Next day, on the seventeenth, sir John Cope landed at Dunbar. When he took the route for Inverness, both he and the president had been imposed upon, and misled by the reiterated professions of loyalty to the reigning family,\* which all the mountain chiefs had ostentatiously made, by the assurances of those esteemed doubtful, and by the apparent folly of a few unsupported highlanders attempting to overturn the British throne, which rendered it their in-

\* Report of the Board of Officers, &c. p. 35.

terest to remain quiet, and gave to their professions a character of prudence, in perfect unison with the usual politics of the clans, but chiefly by the arts and influence of that old incorrigible traitor Lovat. For the fickleness of the younger chiefs, and their open disregard of their pledged faith and promised allegiance to the house of Hanover, some wretched apology may be framed from the strength of their attachment to the fortunes of the Stuarts, and the very accommodating morality of the jacobite school; but that hoary villain, who headed one of the most powerful clans in the north, acted upon deceit as a system, and was treacherous by rule. He owed his all to the président and to the government; but the illusion of a ducal coronet, for which he had the pretender's patent, destroyed his usual acuteness, and led him to rupture at once the ties of gratitude and safety. He had early sent Fraser of Gortuleg to congratulate Charles on his arrival, and assure him of his assistance, while he waited personally on the lord president Forbes at Culloden, to tender his services to his majesty, and request his direction; and he continued a juggling correspondence with him, intended to keep up appearances, till he saw which side was likely to preponderate.

It has been asserted, that if he and the others who were favourable, had acted at the beginning with promptness and decision, Charles might have proclaimed his father at London with as much facility as he did at Edinburgh. Without contesting an imaginary supposition, it may safely be asserted, that the service which Forbes rendered his country at this juncture, by keeping them inactive, rendered such a consummation impossible; and saved the unprofitable effusion of much more blood, and the infliction of much wider desolation, and more lasting calamity than attended the disastrous day of Culloden, had the consequences been more cruelly extensive than the wildest romance of jacobitism has ever yet portrayed. The king's army, however, when it reached Inverness, received no reinforcements to enable sir John to follow out the president's plan, and the negligence of government in not forwarding military stores, perhaps, fortunately, did not supply those with arms who

expressed their willingness to rise; but their withholding money, and obliging their friends to advance or to borrow it on their own credit, paralyzed every effort to create a diversion in that quarter, the Monroes having alone engaged to the amount of two hundred, but only for fourteen days, on account of their harvest; and the whole increase was one company of Guyse's, and some incomplete companies of lord Loudon's regiment.\*

Provisions again run short, and all the bakers of Inverness were employed, which, with other difficulties, detained sir John another inactive week in the north. Having resolved to return by sea, he marched to Aberdeen, where he embarked on the 15th. After a prosperous voyage, he arrived off Dunbar in the evening of the 16th, and next day, Monday, commenced landing. Compared with his opponents, the general's motions had been tardy and ineffective, but the infantry he commanded had all the incumbrances without the advantages of regular troops, their slow formality without their discipline. He was joined, on disembarking, by cavalry yet more deficient, and who, during their short campaign, had only acquired a facility of flight and lessons of terror. The two regiments of dragoons who retreated from Colt Bridge, in the manner already related, stopped at Musselburgh, and after recovering in some sort from their panic, proceeded a few miles further, when again halting at a field not far from the scene of their future exploits, they dismounted as they supposed for the night, and colonel Gardner, bowed down by ill health, and heart-broken by their conduct, retired for a little repose to his own mansion in the neighbourhood; but between ten and eleven o'clock, a private, in search of fodder for his horse, chancing to stumble into an old waste coal pit full of water, the noise he made struck his neighbours, who could dream of nothing but the highlanders, with such affright, that, remounting without inquiry or order, they fled for Dunbar, whither their commander followed next day, filled with the most fearful foreboding, for the road was strewn with the

\* Report, Colonel Whiteford's Evidence, p. 47.

arms the cowards had thrown from them.\* By the 18th, the disembarkation was completed.

The general was quickly joined by the law-officers of Scotland, who came to be spectators of a battle; and Lord Home, with two servants, the modern representative of a border chief, the sound of whose ancestors' bugle would have terrified to their hills the whole of the wondering celts, who were now lost in amazement at their easy capture of the Scottish capital.† Mr. Home, too, hastened with loyal expedition to give every requisite information concerning the numbers and appearance of the rebels, respecting which there had been so many discordant accounts. The historian, who had personally examined their encampment, reported their numbers at not two thousand, but strong, active and hardy men, about the ordinary size, whose muscular limbs the kilt showed to great advantage, and of fierce countenance, to which their bushy uncombed hair gave a barbarous aspect; for cannon they had only one iron gun, that lay upon a cart, and was drawn by a highland poney: about two-thirds were armed with firelocks, a variety of all sorts, and broad swords, some of French make, the remainder were either not armed, or armed chiefly with scythe blades, fastened to pitch-fork handles; but their numbers, he said, would soon be increased by fresh arrivals from the north, and the arms they had seized in Edinburgh would fully equip them. Such a description was not calculated to inspire the general with any very terrific idea of the enemy he was to encounter, and he commenced his march next day in a manner calculated to produce the most imposing effect. His cavalry, infantry, and cannon, with a long train of baggage carts, extending for several miles along the road, which he probably expected would strike the highlanders with dismay, only attracted useless crowds of the unwarlike peasantry, who gazed with fearful in-

\* To a person from Edinburgh, who visited him the day before the engagement, the colonel said, "I cannot influence the conduct of others as I could wish, but I have one life to sacrifice to my country's safety, and I shall not spare it."—Doddridge's Life, sect. 149.

† Journal, &c. Home, ch. v.



terest on the unwonted spectacle. The army encamped that night in a field north-west of Haddington. A small body of volunteers, under Mr. Drummond, having joined them on the march, they were employed through the night as patrols between Haddington and Duddingston, to give information of the movements of the enemy, and prevent a surprise,—a service they performed with the loss of two of their number, who were themselves surprised in their vocation.\*

There being no interruption in the intercourse between Edinburgh and Dunbar, the rebels, who had the earliest intelligence of all that was going forward, improved their short repose in refreshing their men, and preparing for action; but their requisitions were slowly complied with by the inhabitants of the city, who began to hope the royal army would speedily rid them of their expensive guests. Charles paraded with his guard every day from the royal residence to the camp, where he regularly reviewed his small army: on the evening of Thursday he held a council of war, in which it was resolved to march next morning and meet the enemy. Naturally anxious about the issue, he asked the officers how they thought the men would behave against regular troops? Keppoch, who had served in the French army, replied it was not easy to answer for the privates, who had never been tried; but he would venture to assure his highness, the gentlemen would be in the midst of the enemy, and the men who loved their chiefs would certainly follow.

Sir John Cope also put his troops in motion on the morning of the 20th. The quarter-master-general, accompanied by the earls Loudon and Home, and colonel Whiteford, being sent forward to reconnoitre the ground, and mark out a proper place for encamping, near Pinkie, the proposed boundary of their day's march; the royal army followed in high glee, and, delighted with their own

\* Report, p. 48. Home, *ut supra*. He omits Drummond's name; but it is curious that their services were discontinued when most wanted, after the enemy were put in motion.

regularity and show, indulged in the most gasconading anticipations and sarcastic ridicule, against an undisciplined half-armed enemy, for whom their martial appearance and array would be sufficient ! But they had just entered upon the small plain, afterwards so well known, when lord Loudon returned with the intelligence that the despised army was rapidly advancing. The place where they were, being deemed by the general and his staff the best spot that could be selected for a battle-field, where both infantry and cavalry would have full room to act, there it was determined to await the enemy. It is a level track for about a mile in length, and three quarters of a mile in breadth, extending from Seaton castle on the east, to Preston on the west, the north bounded by the sea, the small village of Cockenzie on the shore about the middle, and the south by a deep morass which then run along the bottom of the acclivity on which the village of Tranent stands. Expecting the enemy to advance by the direct road, sir John drew up his men in line fronting the west ; but they, preferring the high grounds, took rather a different route. After passing the Esk by Musselburgh bridge, they struck off to the south, and making a sweep by Fawside hill, re-entered the post road a little to the west of Tranent ; they were received by a huzza from the king's troops, which they as heartily returned. Their manœuvres were by no means complicated ; in marching their columns, formed three deep, were led off by files, and when they wished to engage, they had merely to halt, and face to the right or left.

In doing so upon the present occasion, they formed a line fronting the north, which unexpected direction obliged Cope to alter his station, and wheel his men into a line fronting the south. And thus the two armies, or rather brigades, for neither much exceeded the full strength of two modern regiments, stood looking at each other, at the distance of not a half mile ; separated by the morass, which neither could pass without eminent danger, nor venture upon an attack from any other quarter, but with palpable disadvantage. The rebels occupied the rising ground, secured among pits and enclosures from a

charge of cavalry; the king's troops, drawn up on the plain, were defended on the west by the village of Preston, and the park walls, on the east by the grounds of Seaton, and in front by a deep ditch, or drain, that run along the whole length of the bog. Colonel Gardner's house stood a little to the south-west of Preston. Lord George Murray, eager for the attack, sent an officer, Ker of Graden, to examine the ground, which he did with the greatest deliberation, by riding between the two armies, and reported Cope's position to be impregnable. The rebels then made a demonstration as if to attack from the west; and sir John sent his baggage to Cockenzie, and resumed his former position, but perceiving they could make no impression in this direction, the highlanders returned to their old post. Sir John did the same, and the afternoon was spent in various movements, in the course of which the highlanders, having taken possession of Tranent churchyard, were dislodged by the artillery with the loss of two or three killed.

Evening now approaching, dark and cold, as at that season of the year, colonel Gardner addressed his regiment, and they expressing an eager wish to be instantly led against the enemy, he proposed to Cope, and earnestly pressed on him, the propriety of commencing an attack,—which, from his knowledge of the ground, he was well qualified to direct,—in preference to allowing the courage of his raw troops to evaporate, by keeping them inactive, and under arms during the whole of an October night; but in this he was overruled, as he was likewise in the order of battle, for he wished the guns in the centre before the foot, some of whom had been in action, and not on the wing beside the dragoons, who never had yet stood fire; but they were placed altogether upon the right notwithstanding, immediately before his own horse. When night closed, the line remained formed along the morass; the infantry, composed of five companies of Lee's regiment, Murray's regiment complete, eight companies of Lascelles, and two of Guises, was flanked on the right by two squadrons of Gardner's dragoons in line, with a third

in the rear, and on the left by the same number of Hamilton's similarly disposed; the cannon and cohorns placed upon the left, were guarded by one hundred men, under the orders of lieutenant-colonel Whiteford. To secure the troops from surprise, picquets and advanced guards were placed along the morass, and large fires kindled in front. The military chest was sent after the baggage, under a strong guard, to Cockenzie, accompanied by all the highlanders of the royal army.

As soon as it was dark, the rebels, leaving lord Nairne at Preston with five hundred men, to prevent Cope from retreating upon the capital, moved from the west to the east side of Tranent, whence the position of the enemy appeared most accessible; the common men, then wrapping themselves in their plaids, went to sleep among the furze, and the officers, in a council of war, determined with the dawning to attack through the morass. The events of the day elevated their spirits, in proportion as it tended to depress that of the king's army. Sir John Cope had acted throughout on the defensive, endeavouring with a cautious timidity to preserve his local advantages, and evidently trusting more to the strength of his position than the courage of his men; while the rebels had sought in every direction to provoke an engagement, and were now inflamed with the desire of attacking, and the confidence of beating an enemy who so pusillanimously shunned them. The chiefs had separated to snatch a short interval of rest, when a partizan of the name of Robert Anderson,\* who was well acquainted with the localities, told Mr. Hepburn of Keith that he would undertake to point out a place, which had escaped notice, where the army might easily pass the morass without being seen by the enemy, and form without exposure to their fire. Hepburn directed him instantly to lord George Murray, with whom he was acquainted. When Anderson came to head-quarters, in a field of pease that

\* The son of Anderson of Whitbrough in East Lothian, who had been engaged in the rebellion in 1715. Johnstone says, he was proprietor of the ground.

had been lately cut, he found lord George asleep, and awakening him, repeated his information, adding that he was willing to lead the way. Struck with its importance, his lordship awoke Charles, who ordered Lochiel and the other chiefs to be summoned. As soon as they heard the plan, they unanimously declared their approbation, and prepared to carry it into instant execution; lord Nairne was called in, and before day-break the highlanders began to move, led by Anderson, but in the utmost silence; and their advance was concealed in the beginning by the darkness, and at dawn by a frost mist. The picquets first perceived them when about to enter the morass, and challenged, but receiving no answer, rode off, as before, without firing, to carry the alarm to the camp.

Cope immediately altered his position, wheeling into line south and north, with his front looking east, the inclosures which had protected his right now covering his rear. The rebels, after passing the marsh, marched straight on towards the sea, till the whole body, amounting to about 1800, got on firm ground, and then drew up in two lines or rather wings, the right nearest the sea, led by the duke of Perth, and the left nearest the enemy, by lord George Murray. The reserve, under lord Nairne, formed a second line of six hundred and twenty. Charles took his station with them, or between them and the right wing. The sun had now risen, and the king's troops ranged in regular order, with their polished arms glittering in his rays, presented to the rebel officers a formidable front, which some of them did not hesitate afterwards to say, struck them with lively apprehension: but it was only for an instant. Lord George, having dispatched an aid-de-camp to the duke of Perth, to inform him he was ready, without allowing a moment for thought, ran forward on the enemy. The Camerons on the left were opposed to the artillery; but the artillery men, consisting of three invalids, took to their heels without waiting for an attack; and carrying off the very powder flask, colonel Whiteford could only fire five of the pieces before they were in the hands of the highlanders. The capture of the cannon had thrown the highlanders into some confusion, and

Whiteford called out to colonel Whitney of the dragoons, "Now's your time, charge." The lieutenant-colonel advanced, but not a man of them would follow; and upon the rebels firing a few shots, they retreated; and, notwithstanding the exertions and entreaties of Gardner, who, although wounded in the breast, attempted to rally them with the third troop, they instantly fled, as did their comrades on the left, and were only stopped by Mr. Erskine's inclosures on the rear; and "there they stood," said sir John, "with their croops to the enemy; and here they received a good many shot, but they could not be prevailed upon by all their officers could do to rally. The foot, deserted by the dragoons, made a short resistance, and fired repeatedly; and one party, left without officers,\* attracted colonel Gardner's attention, who was left alone with colonel Whitney upon the field without men. "These brave fellows," said he, "will be cut to pieces for want of a commander," and rode up to them, calling out, "Fire on my lads, and fear nothing!" but scarcely had he spoken, when he was cut down with a scythe, and mortally wounded. When he fell, the route became universal, and throwing away their arms, the panic-struck soldiers sought each to preserve himself. The highlanders, according to their custom, after the first fire, threw away their muskets, and, mingling with the crowd of fugitives, cut them down with their swords like sheep. The strength of their position completed the ruin of the royal army, for multitudes, attempting to escape, had their flight arrested by the high walls of the Preston inclosures, and were killed without resistance while attempting to scramble over. The dragoons were once or twice attempted to be rallied, but on the first appearance of a highlander, their tremour returned, and with difficulty general Cope, assisted by the earls Loudon and Home, collected about four hundred and fifty, with whom they fled by the way of Lauder to Berwick, expecting the arrival of the Dutch auxiliaries. The shreds of the infantry, of which any account was received, were about

\* Report, &c. Jack's Evidence, p. 95.

two hundred, of whom one hundred and five got into Edinburgh castle, and about seventy or eighty found their way, at different times, to Berwick, before the end of the month. The number left upon the field has been estimated from two hundred to twelve; the most probable is between four and five hundred; and among these, beside colonel Gardner, was captain Brymer of Lee's regiment, who, disdain- ing dishonourable safety, met death where he stood. This defeat, as decisive as the battle was short, appears to have been entirely owing to the invincible terror of the dragoons, and the consequent panic of the foot, from which it is difficult to believe that the commander was altogether exempt, notwithstanding his bravery upon former occasions, and the testimony of so many of his friends and fellow-soldiers to his good behaviour upon this.\*

\* The numbers of the combatants, and circumstances of this battle, were at the time the subject of much misrepresentation, both by victors and vanquished. I have stated in the text the circumstances on which they all agree, or to which they may be reconciled without violating probability. The numbers now are pretty accurately ascertained to have been nearly equal, but what superiority there was, was on the rebels' side, who however did not need it, as their first line cleared the field so effectually of fighting men, that the second never engaged. When they entered Edinburgh they were about 2000; next day they were joined by 150 M'Lauchlan's; and before they left Duddingston by 250 men more,—making a total at Preston of 2400 or 2500. The royal army did not exceed 2100, of whom 600 were dragoons; the party with the baggage perhaps from 3 to 400.—The conduct of general Cope is, I think, rendered more doubtful by the strong attempts made to exalt it by his witnesses, in their statements to the board of officers, than by the sarcasms of his enemies. It appears to me, that not one of them had escaped the infection, although only one Hew Dalrymple, lord Drumore, had the honesty to confess it. When the dragoons fled, Sir Hew says very candidly, "I concluded all was lost, and that it was full time for a pen-and-ink gentleman to provide for his safety; which I did by riding off." The conclusion of his letter is equally fair, "I shall only add, that the fire of our foot was infamous, puff, puff, no platoon that I heard; though I have heard others who were in the action, and nearer the right, say they heard two. Whether Murray's were attacked, and gave their fire, I know not; they had not fired when I left them." The earl of Loudon's account of the battle, which Home has chiefly followed, differs only from the text in saying, that sir John Cope attempted to rally

The rebels lost, by their own accounts, forty killed, and not quite double the number wounded. The baggage, military chest, and a great number of prisoners, fell into their hands. Charles remained upon the field till noon, and, with affected humanity, gave orders for care being taken of the wounded, and moderation shown towards the prisoners,

the foot, which I do not think perfectly consistent with his having attempted to rally the dragoons at Preston wall. I have therefore preferred Dr. Doddridge's information on this point, which is corroborated by the evidence of Mr. Jack, a mathematician, who was examined by the board. His lordship accompanied the dragoons to Lauder, and states, "that there was no other way of getting them to make a decent retreat but by keeping on their head, in order to keep them back!" Report, &c. p. 137, et seq.—Of the opposite nominal leader, chevalier Johnstone, after mentioning that the prince accompanied the reserve in the march, adds, "At the end of the marsh there was a deep ditch three or four feet broad, which it was necessary to leap over, and the prince, in making this leap, fell upon his knees on the other side: I laid hold of his arm, and immediately raised him up. On examining his countenance, it seemed to me from the alarm expressed in it, that he considered this accident as a bad omen. The journalist again tells us, that the prince accompanied the duke of Perth and Clanranald in the march, and adds, "but returning to his guard, as I happened to pass near by him, he, with a smile, said to me, in Erse, "Gres-ort, gres-ort;" that is, Make haste, make haste. Lockhart Papers, vol. ii. 491. His courage however was extolled by his partizans beyond all bounds, and in the hour of victory no one dared dispute it. I shall only remark, that a man may be brave, yet not courageous, for bravery is a species of instinct, while courage is a virtue; and bravery, as it is often mechanical and dependant upon the animal frame, is subject to great variation, while courage, a noble and lofty sentiment, exists at all times and on all occasions. A man is often brave in proportion as he wants thought, and does not calculate upon consequences. Of this kind of bravery Charles certainly was possessed: to courage his claims are more disputable.—I cannot help subjoining, as a specimen of jacobite accuracy, the account the journalist gives of the battle. "The enemy's artillery played furiously upon our left, especially upon Lochiel's battalions; their cannon also racked our right wing, but did little execution. Their great guns were followed by a very regular fire of the dragoons on the right and left, and this again by close platoons of all their infantry, which our men received with intrepidity, and a huzza,—a thing most extraordinary in a militia army," &c. Lockhart Papers, vol. ii. p. 490.



who were next day sent to Edinburgh,—the officers on parole, and the private soldiers to the Canongate church.

That evening he spent at Pinkie house, and on the following morning returned to his lodgings at Holyrood, whence he dispatched messengers in every direction with accounts of his victory at Gladsmuir, as he named the battle, and resumed his functions as regent, by nominating a council, and issuing a variety of proclamations. He forbade all rejoicing on account of the victory, and invited the ministers of the city to continue their public duties,—the whole having deserted their charges except two. To the farmers, and all others, he proffered protection in their intercourse with Edinburgh, and prohibited any of his soldiers or officers from appropriating private property without a regular order,—a mandate necessary from the known propensities of the mountaineers, but excused by the allegation that a number assumed the character for the sake of plunder who did not belong to their army.

His men, who had now procured the accommodation of tents, encamped at Duddingston, whether Charles, who took great delight in visiting them, frequently resorted, dining and sleeping in his tent, and returning to his palace in the morning to transact business. The usual routine of his few fleeting hours of royalty, commenced in the morning by a levee; then followed his council, which often was prolonged to a late hour, by the various and discordant opinions and projects of his advisers. To it succeeded a public dinner with his officers: he then rode out, accompanied by his guards; and when he did not remain in the camp, returned to Holyroodhouse, and held a drawing-room, at which he received the ladies who were introduced. He afterwards supped in public, and concluded the evening with music and a ball.

But the gaiety of the court was disturbed by the vicinity of the castle; the intercourse of the garrison with the town being interrupted, general Guest fired upon the city, and several of the inhabitants, as well as the rebels, were killed by his shot; till Charles, allowing a free communication, had the honour of putting an end to the wanton hostilities which

Guest afterwards excused as a ruse to engage the rebels in a siege, and by detaining them in Edinburgh, prevent their marching to England; until the people had recovered from the panic occasioned by the route and dispersion of the royal forces, and the expected assistance from the continent should have had time to arrive.

This rash and imprudent measure Charles himself is said to have wished, but his council objected to the proposal of entering England with an army not much exceeding three thousand men;—that so incompetent a force would rather diminish than increase the number of his friends, and urged the necessity of waiting the arrival of those reinforcements the news of this victory would procure; and their arguments were backed by the extensive desertion which took place among the victors, from the return of so many to their mountains to secret their spoil, but whose display of the riches they had acquired, would act as a powerful stimulant to their hesitating friends to descend and share in the lucrative harvest. It was also debated in his council, whether it would not be advisable to summon “a free Scottish parliament,” and declare the union of the two kingdoms dissolved. The battle of Gladsmuir, it was said, had put him in possession of the whole kingdom of Scotland, except a few castles; and his chief object should be to secure himself in it, without attempting for the present to extend his views farther; and, besides, a parliament would enable him to impose taxes in a legal way, and obtain supplies for the support of his army; but the prospects which he had of obtaining both, prevented Charles from listening to a proposal as detrimental as impracticable, which, with a divided kingdom, must have renewed the intestine contests of Charles II.’s time, and would have dashed at once and for ever, without a trial, the expectations he had built upon the promises of the English tories. He collected the taxes by a more summary process, and ordered levies and supplies by his own authority, wisely preferring the chance of obtaining ultimately the sanction of a British parliament. About the same time, the spirits of the highlanders were

cheered by the arrival of three vessels in the north, with some artillery, and other military stores, accompanied by artillery-men, and a few officers, chiefly Irish, in the French service; the court, too, was enlivened by Mons. Boyer, marques D'Equillez, who was received by Charles and treated as the French ambassador, a character which, like his title, appears to have been a *nom de guerre*.\*

To the north both parties however turned, as the quarter where the accounts of the victory was expected to produce the most important consequences, and whence Charles was to obtain the most efficient aid to carry his ulterior object. Three days after the battle, a trusty messenger was dispatched to the island chiefs, to assure them that their delay was not imputed to their want of loyalty, and if they would still come forward, they would be received as kindly as the most favoured. Macleod wavered, and on a visit to Lovat was induced to enter into a solemn engagement to support "the prince." That lord, when informed of the victory, exclaimed that it was not to be paralleled in history,—"as sure as God was in heaven his right master would prevail!" and, aged as he was, proposed leading a force worthy of a dukedom, to assert his pretensions. With the assistance he expected from Skye, he counted upon mustering five thousand men at Corryarack; but Sir Alexander Macdonald, the better genius of his friend, prevailed: M'Leod broke his rash vow, and his lordship was under the necessity of apologizing, by a message to Charles, for his disappointment, and promising to send his eldest son with the clan, as a stronger proof of his attachment than if he had gone himself.† Still he kept up his correspondence

\* He is styled Monseigneur de Boyer, in the Caledonian Mercury; M. d'Arguelle, brother to the marquis d'Argens, by chevalier Johnstone; and the marquis de Guilles, by Smollett. I have followed Home.

† In a letter to Lochiel, Lovat raves most furiously against M'Leod. "The base and treacherous behaviour of our cousin, the laird of Macleod, has almost cost me my life already. The night before he took his journey to the Isle of Skye from this house, sitting by me, he looked up seriously, and swore to me, that, as he should answer to God, and wished that God might never have mercy on him, and that he might never enter into the kingdom of heaven, but that his bones might rot on earth,

with the president, who, although he must have seen through the artful duplicity of Lovat, did not till the last moment give up the hope of convincing him that his interest would be best promoted by his continuing quiet.\* He endeavoured to prevail upon him to accept of an independent company for his son, as government at last had forwarded a number of blank commissions for him to dispose of, which was declined; but he was more successful with some of the lesser chieftains; and when lord Loudon returned to Inverness, their united exertions prevented the Frasers, and other disaffected clans, from gathering till after the young chevalier had marched for England.

While waiting the effects of his embassy to the north, Charles's adherents in the south were not hastening to his standard with that alacrity which the flaming professions and exaggerated vaunting of the zealous jacobites promised. Few partizans from the Lothians joined, and none of consequence, except the earl of Kilmarnock and Arthur Elphin-

be burnt, and his ashes blown up in the air, if he did not come with all speed imaginable, and with all his men that was already prepared." In spite, however, of this terrific oath, within a few days he wrote him, that, after deliberating fully with his neighbour sir Alexander, they both had resolved to stay at home, and not trouble the government. "In reading this line," adds Lovat, "I had almost fainted, and my body swelled with grief and vexation."—*Lovat's Trial*, p. 138.

\* In the midst of all these professions, a most treacherous attempt was made upon Culloden house by a party under Fraser of Foyers; but the president was too much on the alert, and his house too well fortified, to be easily surprised: he had, however, a number of his sheep and cattle carried off, and his gardner and weaver robbed. One of the assailants was wounded, and as they stopped rather impudently "to taste his mutton in day-light," the whole was discovered. He complained to Lovat, but without accusing him of being concerned, and the chief in return denied all knowledge of an affront which he detested as much as any man.—*Culloden Papers*, p. 230, et seq. And in another epistle upon the same occasion, he tells the first law officer in the kingdom not to be in the least apprehensive about his tenants being robbed by his people;—"for I solemnly swear," [swore] he adds, "to Gortuleg, that if any villain or rascal of my country durst presume to hurt or disturb any of your lordship's tenants, I would go personally, though carried in a litter, and see them seized and hanged!" Such was the state of the highlands at that period.—*Ibid*, p. 234.

stone, afterwards lord Balmerino. The lowlanders of the north, bordering on the highlands, were more productive. Lord Ogilvy, son of the earl of Airly, brought six hundred men; Gordon of Glenbucket, four hundred; and lord Pitsligo, six companies of foot, and a body of cavalry, consisting of gentlemen from the shires of Aberdeen and Banff, with their servants, whose native caution had been betrayed by the wary character his lordship sustained in a country distinguished for prudence. Tullibardine, also, produced an additional quota of recruits from Athole, and several petty chiefs and private gentlemen prevailed upon their dependants to follow, or procured dissolute and desperate characters to enlist.

Yet, with every exertion, their army was so palpably inadequate to carry the war into England, that, when the Macdonalds and Macleods failed, and the mighty promises of Lovat evaporated in apologies, the debates in the rebel council were long and perplexing respecting their future procedure; a majority being persuaded that without some encouragement from the English nothing could be more ridiculous than an invasion of England with such a handful of men, especially since the government had been allowed time to bring over their troops from the continent, together with six thousand Dutch auxiliaries, and a spirit of zealous unanimity had been awakened in the nation. But Charles was entirely bent upon the expedition: the hazardous chances had already turned up so luckily, that, with the determined obstinacy of a dashing gamester, he insisted upon staking his friends' and his own fortune on the doubtful issue of a desperate throw: he pretended that he had received letters from English lords, assuring him that they would meet him in arms on the borders, and that an invasion from France would soon be effected; and at last, a majority of the chiefs allowed themselves to be again persuaded against their more sober judgments, to push the enterprise to the uttermost. Some of the more inexperienced or sanguine, needed little persuasion; so wildly were they elated with their unexpected

success, that they thought their own strength sufficient to out for their prince a way to the throne.

Preparations were made in the latter end of October for marching south, and having named lord Strathallan commander in Scotland during his absence, Charles joined his army, assembled at Dalkeith, on the 1st of November. Next day Macpherson of Cluny, Menzies of Shien, and some other highlanders, arrived with between 900 and 1000 men, the last reinforcement the rebels received before they set out. Their number did not amount to quite six thousand, of whom five hundred were cavalry; the clan regiments, or real highlanders, the strength of the army, were not quite four thousand, dressed in their own garb. Of the horse, two troops were guards commanded by lords Elcho and Balmerino; one troop light horse, or hussars, under the earl of Kilmarnock, for scouring the country and procuring intelligence; the remainder irregulars. To distract the enemy, the rebel army set out in three different parties, the one by Hawick and Moss-paul, another by Peebles and Moffat, Charles himself marching by Kelso, whence he might proceed either for Newcastle, or for the west; and the secret was so well kept even from his own soldiers, that they knew not the line of march of each other, till they re-assembled, November 9th, on a heath within a short distance of Carlisle.

The capital of Cumberland had been formerly a place of considerable strength, and its fortifications were, if any thing, still better than those of Edinburgh, though they had latterly been allowed to go to decay. Its castle was garrisoned by two companies of invalids, some volunteer citizens, and a body of the Cumberland and Westmoreland militia lined the walls,—a force respectable enough in point of number, but, like the citizens of the northern capital, deficient in every other requisite; and dreadfully terrified by the reports actively circulated by the jacobites before the advance of the rebels, which they increased by ordering billets for thirteen thousand men, and disposing their troops in such manner as to

conceal their real amount.\* On the 10th they sat down before the city, but upon a rumour of the royal army approaching, Charles marched to Brampton with the greater part of the army, and continued for several days; when ascertaining its falsehood, he sent back the duke of Perth to press the siege. His grace returned on the 13th, and it surrendered on the 15th, the third day after opening the trenches, "rather," says chevalier Johnstone, "from our threatening to fire red hot balls upon the town, and reduce it to ashes, than from the force of our artillery, as we did not discharge a single shot, lest the garrison should become acquainted with the smallness of their caliber, which might have encouraged them."† The garrison had fired upon the besiegers, but did no mischief; so ill were the guns pointed, that the highlanders in the trenches waved their bonnets at them in derision. The garrison were discharged on swearing not to bear arms against the pretender for a twelvemonth, and all the military stores in the castle were delivered up to the rebels, among which were one thousand stand of arms, besides the spoil of the country around, whose valuable effects had been lodged in the castle for safety. Marshall Wade, who was stationed at Newcastle with an army much superior to that of the rebels, but had never stirred to oppose them, the very day that the surrender took place began a march for Carlisle, and had reached Hexam, when, hearing of the catastrophe, he measured back his footsteps, if not with the full measure of disaster, at least with not much less dishonour than general Cope.‡

Carlisle had surrendered, but no accession of strength

\* While the rebels succeeded by their manœuvres to deceive the people of England with regard to their numbers, they never succeeded in imposing upon government; and it is a curious circumstance, that the news circulated upon the continent respecting them was more accurate than those circulated in many of the English periodical works at the time. The "*Journal Universel*," published monthly at the Hague, in the month of August, announced the young pretender's expedition, gave the names of his companions, and a pretty true account of his reception, almost as soon as it was known at Edinburgh! The "*Gazette Française*," published at Utrecht, noticed it sooner.

† *Memoirs*, p. 59. ‡ *Home*, ch. vi. *Ray's History of the Rebellion*, 104.

nor show of friendship appeared among the English, while considerable desertion had taken place upon the march among the Scots. A misunderstanding likewise had arisen between the two lieutenant-generals, the duke of Perth having communicated with "the prince" alone, without consulting lord George Murray respecting the operations of the siege; his lordship, conceiving that this was not done without private instructions, threw up his commission, yet offered to serve as a volunteer. The army, too, murmured at the duke of Perth, a papist, appearing ostensibly as their commander-in-chief, imagining perhaps that this appointment might have had some detrimental effects upon the service: but Perth nobly removed every cause of dispute by retiring to the command of his own regiment, and lord George became henceforth sole lieutenant-general, and momentary partial union was restored. But the circumstances of the invaders were critical, and the young chevalier summoned a council of war to determine on their future procedure.

King George, on his arrival from the continent, August 31, had been greeted with loyal addresses in every direction, and the parliament which he had assembled shortly after, October 16, gave him every assurance of fidelity and support. These professions of attachment to the house of Hanover were in entire accordance with the general wishes of the nation, who cordially and almost unanimously seconded, where they did not outrun, their provisions for the public safety; the county regiments were quickly completed, and volunteers were incessantly employed in military exercise, and what was perhaps of even greater importance, the monied interest had come forward to support public credit in this emergency, by agreeing to take the bank of England paper in payment as usual. Large contributions were besides raised cheerfully throughout the country, both in money and in clothing, for the troops. The protestant clergymen of all persuasions united in zealously exhorting their people to exertions and sacrifices in the common cause, and the dissenters, as in all cases of real danger, forgot "their disabilities" when their services



were required. Government at last, roused from their lethargy, were bestirring themselves. Besides the army under general Wade at Newcastle, general Ligonier was advancing with another towards Lancaster, of which the duke of Cumberland shortly after assumed the command, and a third was forming on Finchly Common, to be headed by the king in person, with the earl of Stair as his lieutenant.—All this was well known to the council, and the majority were for returning to Scotland, and defending their homes, or waiting the assistance of France, as there were no symptoms of any rising in England. But Charles, still insisting upon the promises of his English friends, and seconded by lord George Murray, who ever advocated the boldest measures while there was the least rational glimmering of success, their opposition was overcome, and it was again resolved to push their adventure to the extreme.

After settling their disputes, and refreshing their men, the army on the 20th threw down the gauntlet to all England; having garrisoned Carlisle, the cavalry marched to Penrith, and next day the main body followed; and proceeding through Shap, Kendal, and Lancaster, the van always a day a-head, the whole rested on the 27th at Preston, where, to avoid a “superstitious freet,” yet a very natural and melancholy presentiment, that they would never get beyond a spot “so fatale to the Scots,” lord George crossed the bridge, and quartered a great many men on that side of the water.\* No recruits appearing, “the prince” expressed his hopes of being more successful at Manchester; and they were so, owing to a strange instance of careless rashness, at once ludicrous, daring, and successful. A serjeant Dickson, of chevalier Johnston’s company, who had been beating up for recruits at Preston without obtaining one, requested his captain’s permission to try Manchester a day before the army arrived; but being denied on account of the danger, he of his own accord quitted that place in the evening with his mis-

\* Account of the Young Pretender’s Operations. Lockhart, vol. ii. p. 457.

tress and a drummer. Having marched all night, he arrived next morning at Manchester, and immediately began to beat up. The populace at first did not interrupt him, conceiving the army to be near the town; but as soon as they knew that it would not arrive till the evening, they surrounded him in a tumultuous manner, with the intention of taking him prisoner alive or dead. Dickson presented his blunderbuss, which was charged with slugs, threatening to blow out the brains of those who first dared to lay hands on himself or the two who accompanied him; and by turning round continually, facing in all directions, and behaving like a lion, he soon enlarged the circle which a crowd of people had formed round them. Having continued for some time to manœuvre in this way, those of the inhabitants of Manchester who were attached to the house of Stuart took arms and flew to his assistance, to rescue him from the fury of the mob, so that he had soon five or six hundred men to aid him, who dispersed the crowd in a very short time. He now triumphed in his turn; and putting himself at the head of his followers, proudly paraded the whole day with his drummer, and, at an expense of three guineas, procured a hundred and eighty recruits, whom he presented to the chevalier on the 29th, when the rebel army entered Manchester. Before they left it on the 1st December, somewhat more than another hundred were added, who were formed into the Manchester regiment, and contained nearly the whole of the English who openly declared for the prince.\*

Derby, one hundred and twenty-seven miles from London, which they reached on the 4th, was the ultimate point of the adventurers' progress. They had interposed between the duke of Cumberland's army, which lay at Litchfield, Coventry, Stafford, and Newcastle under Lyne, and the impression of the army was, that they were to defeat Cumberland and advance in triumph to the capital; and exulting in their former success, and proud of their fancied invincibility, the highlanders were impatient for the combat, when two cou-

\* Memoirs of the Rebellion, p. 55, et. seq.

riers arrived which entirely altered their destination. The one brought intelligence of the encampment on Finchly Common, stating the number of men assembled at thirty thousand: the other announced the arrival of lord John Drummond in the north of Scotland with reinforcements from France;—that a number of highlanders, who could not follow the army, had come to him, and that he was at the head of three thousand men, waiting for the whole Irish brigade, and several French regiments, who had embarked and were hourly expected. Another council was in consequence held on the 5th, when the subject debated at Carlisle was resumed, and Charles stood alone in his wish to proceed. The absolute aversion of the English to his cause was no longer doubtful, and the impossibility of cutting his way to the throne evident to all but himself. While the highland chiefs saw only a choice of destruction, they were willing rather to die bravely on the road to the capital than sink ingloriously in a retreat; but when they imagined that a rational prospect of terminating the insurrection honourably in their own country still remained, they wisely adopted the safer alternative of prolonging the contest, and lord George Murray giving his weight to the proposal, it was decided to return.\*

Defeat itself could scarcely have been a greater disappointment to the highlanders than their retrograde movement, but as lord George took his station in the rear, they marched with rapidity, if not without murmuring; and as it was wholly unexpected by their opponent, they gained two days upon Cumberland's army, and proceeded without obstruction. At Lancaster they halted a day, and when they reached Kendal, they learned that marshal Wade had been left be-

\* *Memoirs of the Rebellion, &c.* p. 67, et. seq. The editor of *Johnstone's Memoirs* has, p. 73, in a note, given very satisfactory reasons for preferring the chevalier's account to Home's; his statement is farther confirmed by the journals, &c. in the *Lockhart Papers*, vol. ii. p. 459, but particularly by the journalist p. 494, where he says, "the fourth the whole army went to Derby, where they stayed all the fifth, and in a council of war held in his royal highness's presence, (dispatches of importance being received,) it was resolved to return to Scotland;" which I think decisive as to the date when the dispatches were received.

hind, and considered themselves in no danger of having their retreat interrupted ; but the roads were beginning to be rugged and mountainous, and their baggage carriages, ill adapted for rapid marches, were constantly breaking down. The van of the army, with the prince, arrived at Penrith on the 17th ; lord George Murray, with the rear and the baggage, was detained by untoward incidents at Shap till 18th at break of day, when they set out to overtake their companions. Scarcely, however, had they got half way, ere they were surprised at seeing some light horsemen, and at the sound of trumpets and kettle-drums before them : but they could not succeed in learning the number or description of their enemies, who disappeared at their approach, and a messenger was despatched to Charles to inform him of the circumstance, and require assistance. A detachment was sent.

When they reached Clifton, lord George was first apprised, by the capture of his footman, of the duke's approach, who with four thousand horse, had, by forced marches, come up within a mile ; and anxious to give him an effectual check, he sent Roy Stuart to the chevalier with an urgent request for a thousand men. Charles, however, though upon other occasions " he was always for fighting,"\* had already commenced his retreat to Carlisle, and sent express orders to lord George to follow : but this was now dangerous, if not impracticable, without shaking off the enemy ; therefore, desiring Stuart to say nothing to any person, his lordship proceeded with his arrangements to extricate himself. The road, after passing the small village of Clifton, run between the earl of Lonsdale's extensive inclosures of Lowther Hall on the right or east side, and the Clifton inclosures on the west or left. Having sent forward the baggage and artillery, he posted his

\* " The prince," says chevalier Johnstone, who knew him well, " having acquired a strong relish for battles, from the facility with which he had gained the victory at Gladsmuir at so small an expense, was always for fighting, and sometimes even reproached lord George for his unwillingness to incur the risk of an engagement when no advantage could be derived from a victory."—*Memoirs*, &c. p. 84.

men, the Macdonnells of Glengary and John Roy Stuart's regiment, in the highway, and the Stuarts of Appin, with the Macphersons under Cluny in the Clifton inclosures, The duke, who had drawn up his troops upon Clifton-muir in two lines, sent forward a body of dismounted dragoons in the dusk to attack the rebels. The sun was set and the night was cloudy, but lord George, by the light of the moon, descried their approach through the Lonsdale inclosures, and putting himself at the head of the Macphersons along with Cluny, anticipated them: moving forward with the party from the Clifton inclosures, after receiving and returning the enemy's fire, he rushed on them sword in hand, drove them from the hedges back upon the main body, and returned shouting to the ground he had left; another party were at the same time repulsed with equal gallantry by the Macdonnells, who cleared the highway, and the whole body proceeded without farther molestation to Penrith. The rebels in this affair acknowledged the loss of upwards of twelve killed and four wounded, among the latter captain Hamilton; some English accounts state that of the royal army at forty, of whom four were officers.\*

The main body of the rebels marched all night, and arrived at Carlisle next morning:† there they rested twenty-four hours. With considerable difficulty the garrison, augmented to three hundred by the Manchester regiment and a few French and Irish, were prevailed upon to remain as a forlorn hope, upon the assurance of being speedily relieved when the reinforcements under lord John Drummond should enable the prince to return in triumph!

\* Macpherson of Cluny's Letter. He lost, he says, twelve men, one serjeant killed, four wounded; the royal, according to report, one hundred and fifty killed.—Home's App. No. 34. Lord George Murray's, ib. No. 42.

† Marchant states that they took one hundred of the inhabitants of Penrith with lanterns along with them to show him the way.—Hist. p. 222. The journalist says, "This was one of the darkest nights I ever saw, yet did his royal highness walk it on foot and most part of the way without a lantern, yet never stumbled, which many of us did often."—Lockhart Papers, vol. ii. p. 298.

But the very day after Charles left it, it was invested by the duke of Cumberland, and as soon as cannon were procured to mount the batteries, it surrendered at discretion, and met the common mercy shown to insurgents.

Pursuit ceased when the rebels left Carlisle, yet they did not consider themselves secure till they once more set foot on Scottish ground. The river Esk, which here forms the separating line, had been swollen by several days successive rain, and its deep rapid tide presented a formidable obstacle, but the passage was effected by an admirable arrangement. One division of cavalry formed about twenty-five paces above the ford to break the strength of the stream, then the highlanders in ranks, ten or twelve a-breast, with their arms linked in such a manner as to support each other, passed over, while another detachment of the horse formed line at a little distance below, to pick up any that might be carried away by the force of the current; and thus, without the loss of a man, the army safely reached the opposite bank.

Such was the conclusion of an expedition not the least extraordinary in modern times, in which a body of men, never amounting to six thousand, had, from the remote highlands of Scotland, penetrated to within a short distance of the English capital, through a hostile population, and in the face of an enemy double their numbers, had raised contributions, levied taxes, spread universal terror, and shaken the kingdom to the centre; then, bearding a second army of veterans, had, after triumphantly routing the only force that ventured to show itself, and accomplishing in severe winter weather, a march at which the best British troops gazed in hopeless astonishment, reached their native land with a loss of not more than forty men.

As soon as the rebels had left the coast clear, and there seemed no chance of their immediate return, the legal authorities adventured to re-enter the deserted capital, accompanied by the sheriffs of East Lothian, and returned in state to resume their functions; they were received with the ringing of bells, a salute from the castle, and the huzzas of the mob. Lord justice-clerk Fletcher, in name of his brethren, recommended measures for the immediate

training of a body of men for the defence of the country, and informed the citizens, with whom he condoled upon the loss of their magistracy, that proper orders had been given by marshal Wade for arming those of approved loyalty; and in the meanwhile his excellency had dispatched a military force for their immediate protection. Next day the heroes of Preston, Gardner and Hamilton's dragoons, arrived from Berwick, with two infantry regiments, Price and Ligonier's. Volunteering and recruiting for the Edinburgh regiment recommenced with spirit, and the city once more resounded with the note of preparation. The magistrates of Glasgow, with the zeal which has always characterized the west, were more prompt, but less noisy in their motions; and when it was deemed necessary to guard the passage of the Forth to prevent the advance of any northern recruits, their regiment, commanded by the earl of Hume, was ready to act with the king's troops at Stirling by the twelfth of December. When the news arrived that Charles had crossed the Esk in his return, and before the direction of his march was ascertained, the authorities at Edinburgh were in the utmost perplexity, expecting a second visit; and the troops were ordered to concentrate in the neighbourhood of the city, which it was again resolved to defend. Their resolution to commit their fate once more to untried militia and the well tried dragoons, was fortunately superseded by the exhilarating intelligence, that general Hawley was on his way to their assistance with the veterans from Wade's army, and the duke of Cumberland's, upon whom the others were directed to fall back.\*

After crossing the Esk, the insurgent army proceed-

\* Marchant tells us, that a regiment of dragoons and a party of country volunteers under the lord justice clerk and sir John Inglis, pursued a body of rebels to the castles of Lochleven and Inchcolm, and that the "horse and foot came up most furious to the castles, having first secured all the avenues, and with very little loss made them surrender!"—Hist of the Present Rebellion, p. 270. Who would imagine that Inchcolm had then stood in the middle of the Firth of Forth, or that the account of these amphibious gentry's exploits could be transmitted from Edinburgh? yet so the historian has it.

ed in two divisions for Glasgow; lord George Murray accompanied by Tullibardine, Ogilvy, and Nairne, with the first, took the rout by Moffat; Charles with the other, attended by the duke of Perth, lords Elcho, Pitsligo, and the highland chieftains, went to Dumfries, where, in revenge for the capture of some baggage waggons, an achievement of the old dissenters, who had surprised and carried to that town about forty on the march south, he imposed a contribution of two thousand pounds, seized a number of necessaries for the use of his troops, and stript the town of their arms and ammunition. Of the contribution he obtained the half, but carried off their provost, and a Walter Riddle as hostages for the remainder. Passing by Drumlanrick, his followers vented their barbaric wrath by destroying the paintings of William, Mary, and Anne, which the latter princess had presented to the duke of Queensberry for his services at the Union. And at Hamilton the young chevalier spent a day in the more harmless sports of the chase, whence proceeding to Glasgow, the whole posse met on the twenty-seventh of December. A city so distinguished for unvarying attachment to the principles that had driven his family from the throne, was made to feel the weight of his resentment, and but for the interference of Lochiel, it is said, would have suffered a more terrible infliction.\* In addition, however, to the former five thousand five hundred pounds, it was compelled to furnish twelve thousand shirts, and six thousand coats, bonnets, and shoes for the troops. Their future destination was wisely kept secret, but messages were sent to hasten the recruits and reinforcements from the north.

During the absence of Charles in England, his adherents had been struggling to raise their quotas for the army of reserve which lord Strathallan was endeavouring to assemble at Perth, and for which two months of indecision and inactivity on the part of government, gave every desirable facility; as though commissions and arms had been sent, the president and lord Loudon were wofully

\* Gibson's History of Glasgow, p. 112.



crippled in their endeavours for want of money to support and keep the men together after they were raised. Bank notes were of no value, the bills that had been drawn upon the government agents were returned under protest; and it was only by the most unwearied and disinterested exertions of Forbes\* that as much money was procured upon his private credit, as, with the very inadequate sums that were sent him, enabled lord Loudon to maintain a force of about two thousand, composed of his own regiment, the independent companies, and the isle of Sky men, brought by the laird of Macleod.

Lovat durst not in the face of this force appear himself, but he ordered his eldest son, a youth of nineteen, a pupil of the president's, and who disliked the cause, to undertake the ungracious task of mustering his clan. The earl of Cromarty, with equal duplicity, after engaging to the president, declined a commission for his son lord Macleod, and raised a few of the Mackenzies for the pretender. Lord Lewis Gordon, early in October, entered Aberdeen with a party of highlanders, and seizing the provost, hauled him to the cross, where, holding drawn swords over his head, they forced him to stand till they proclaimed king James, and when he refused to join in drinking "his majesty's" health, they "in an unreasonable odd manner," poured a glass of wine down his breast.† Acting as lord lieutenant of the counties of Banff and Aberdeen, he issued

\* I cannot deny myself the pleasure of quoting the noble sentiments of the president, which acquire additional but melancholy beauty, when we recollect how he was requited; they deserve a remembrance beyond what I can hope to give. "As to who shall have the thanks or the merit of what may have been done in the support of the government, I am very indifferent. I have done what I think every honest man ought to have done; and upon this single principle, that I thought it was my duty. If any man will take to himself the merit of my endeavours to serve the king, or to raise the value of his own, he will depreciate mine, let him; I scorn to contend for such trifles, and can with great tranquillity despise the creature that has them for the object of his pursuit." Part of a letter to the earl of Stair—Culloden Papers—Addenda, p. 464.

† Culloden papers, 463-4.

orders for raising men, one for each L.100 Scots of their valued rent, or the sum of four pounds sterling, under pain of military execution, and succeeded in raising a regiment of two battalions, one commanded by Gordon of Abbachie, and the other by Moir of Stonywood. He endeavoured to raise his brother's tenants, but the duke remaining true to his allegiance, his retainers divided, and the majority were quiet.

Lord John Drummond, immediately upon his arrival, published, as commander-in-chief of his most Christian majesty's forces in Scotland, a declaration of war against the adherents of the house of Hanover, and sent part of his own regiment to Aberdeen to aid lord Lewis; with the remainder and the Irish picquets, he proceeded to the rendezvous at Perth, and in passing through Dundee proclaimed the pretender, and obliged the windows of that whiggish sea-port to be illuminated. In order to preserve the loyal inhabitants of the unarmed counties from oppression, the president directed M'Leod to march south with four hundred of his kindred, along with two hundred Munroes under Culcairn, who were to be followed by the earl of Loudon, with a force sufficient to dissipate the rebels in these districts. But his lordship was unfortunately prevented by an unexpected occurrence; upon the march of the master of Lovat, having no legal proof against the old lord, who had exclaimed bitterly against the headstrong folly and unnatural disobedience of his son, he had brought him to Inverness to keep him as a security for the rest of his clan, whose arms were promised immediately to be given up; but his shuffling excuses wearing out the earl's patience, he proposed sending him to the castle; the other however contrived to get his "old infirme carcas" carried out of the road, and the arms were never delivered. While Loudon was thus detained, M'Leod and Munro advanced to Inverury without meeting an enemy. Lord Lewis, who was apprised of their progress, collected a band considerably superior to the royal party; besides his own regiment and lord John Drummond's, he had with him

three hundred Farquharsons headed by Farquharson of Monalty, with whom he came unexpectedly upon them. A clear moonlight evening, the twenty third of December, prevented the surprise from being complete, and a pretty smart firing took place; but the islanders could not stand the onset of the Farquharsons, and besides a number of killed and wounded on the field, they left forty-one prisoners in the hands of the assailants. His lordship, without pursuing this advantage, soon after set out for the gathering at Perth, where a scene of disorder and dissension ensued, which had well nigh scattered the ill assorted company, and threatened to wind up the wretched tragedy by a concluding act of mutual bloodshed.\*

Charles had sent orders from Carlisle for lord Strathallan to march into England with all his forces. This order he refused to obey, and was supported in his refusal by the lowlanders, and the Irish and French, the clans insisted upon marching, and both were obstinate; but the commander-in-chief had possession of the military chest and stores, and the highlanders, who could not stir without these, were preparing to proceed to extremities, when a second order arrived from Dumfries, desiring his lordship to hold himself in readiness to join the army now marching for Glasgow, whence further instructions would be sent him. The promised orders were accordingly sent as soon as the rebels were rested and refreshed; and Stirling castle, the prize for which the north and the south had so often strove, was again marked out as the object of contest.

To this point the various parties were converging. The young chevalier broke up from Glasgow, January the third, one thousand seven hundred and forty-six, in two divisions, his own rested in Kilsyth the first night,

\* This assemblage consisted of CLANS, the Frazers, the M'Kenzies, the Farquharsons, and recruits for the regiments that had marched to England. LOWLANDERS raised in Aberdeen, Banff, Angus, Mearns, &c. by lord Lewis Gordon, sir James Kinloch, and others. AUXILIARIES, picquets of the Irish regiments in the French service under general Stapleton and lord John Drummond's regiment, royal Scots,

that of sir George Murray at Cumbernauld: next day, "the prince's" head quarters were at Bannockburn-house, and lord George occupied Falkirk with eleven hundred mountaineers, as the advanced post of the army. The reserve from Perth at the same time coming up, in a few days the whole when united, amounted to nine thousand men.\* No defence was attempted by the magistrates of Stirling, but general Blackney on being summoned, replied, that he was determined to defend the fortress to the last, and the rebels immediately began to invest it. How they came to form such a project, it is not easy to conjecture, for never did an army possess fewer capabilities for undertaking a siege; the whole tenor of highland warfare was adverse to the protracted operations of beleaguering fortified places, and they had neither artillery nor artillerymen qualified for conducting them. Some few cannon which had come from France, were brought with difficulty across the Forth, and monsieur Gordon, marquis de Mirabelle, was intrusted with their direction. "This engineer," it was sarcastically remarked by one of themselves, "to show his dexterity in his profession, made his appearance on the strongest side of the castle, where there was nothing but rock and shingle to work upon, so that in order to raise the intended batteries, it was necessary to bring forced earth and bags of wool from a distance, which, after all, were commanded by the garrison."† But they were called from this hopeful undertaking to one more congenial to their ability and habits, by the approach of the king's army.

Cumberland having returned to London upon the surrender of Carlisle, general Hawley was appointed to put

\* The following are the numbers as given by Mr. Patullo, muster-master of the rebel army in 1745, in answer to queries sent him by Mr. Home. "After the retreat there appeared at a review on the green of Glasgow full 5000. Danger in England had prevented desertion. At the battle of Falkland 8000, besides about 1000 left to continue the blockade of Stirling castle." Home's Hist. App. No. 30.

† Lockhart Papers, vol. ii. p. 465. Memoirs of the Rebellion, p. 116, et. seq.

an end to the rebellion. This general had served at first as a major of dragoons at the battle of Sheriffmuir, and from the instantaneous effect of the brilliant charge led by Argyle, considered the highlanders as incapable of standing against horse, or even regular infantry if well conducted; and he was now about to prove the truth of his own remarks.

There were already assembled in the vicinity of Edinburgh about seven thousand troops, besides the Edinburgh and Glasgow regiments, and more were daily expected from England, but Hawley, confident in his own talents, and the justice of his preconceived opinion, disdained to wait their arrival. He ordered the first division under major-general Huske, consisting of six regiments of foot, and the Glasgow regiment, with Hamilton and Gordon's dragoons, to march by Linlithgow and Borrowstouness on January thirteenth; the remainder followed next day. Lord George Murray, who had accurate intelligence, pushed forward with a party from Falkirk to Linlithgow, and seizing all the forage and provisions laid in for the enemy, retired to his quarters, and fell back upon the main body at Bannockburn. The royal army advanced, and encamped on the sixteenth in a field about a mile to the west of Falkirk, where they were joined on the following morning by Cobham's dragoons, and a thousand Argyleshire highlanders under colonel Campbell, afterwards duke of Argyle, which placed the rival forces much upon an equality in point of numbers.

They were now only seven miles distant from each other, yet so little did Hawley dread the vicinity of the foe, that he spent that important forenoon in dalliance at Calendar-house with lady Kilmarnock, although he must have known that her jacobite predilections had had an unhappy influence on the conduct of her unfortunate husband. Charles was somewhat differently employed. He ordered the whole of his men to be collected for a general review on Plean muir, when, after going over their simple evolutions, he marched them off the field about ten

o'clock, in two columns, round by Dunipace,\* to obtain possession of the heights to the south of the royal camp. The Torrwood lay between them, and in order to deceive Hawley, lord John Drummond was ordered to advance with a party of horse and foot, having a number of their colours displayed, as if their whole force had been approaching in that direction, by the high road which run along the north of the wood. The attention of the king's army was accordingly attracted to that quarter, and the ruse would have been complete, had not two officers, by means of a telescope which they had fixed upon a tree, discovered, about one o'clock, the march of the main body. Colonel Howard instantly carried the information to the general, who coolly replied, "the men might put on their accoutrements, but there was no necessity for them to be under arms;" in an hour after two volunteer scouts came in at full speed, and reported that they had seen the enemy about to cross the Carron at Dunipace, evidently bending their course towards Falkirk muir, and the high ground on the left. Still their leader lingered with the countess and all was confusion in the camp. The officers, left without orders, formed their regiments in front of the tents, and waited the attack, when Hawley himself arrived.

Had the general remained in his camp, or on the level before it, his position could not have been attacked except under the greatest disadvantages; but dreading the fate of Cope, without having reconnoitered the field, without allowing himself time almost to think, and although a severe storm of wind and rain threatened from the south-west, direct in his face, he precipitately ordered the dragoons to advance to take possession of the moor, to drive the enemy from the rising ground, or charge them up the hill; the infantry to follow. The highland columns, about two hundred paces distant, marching in oblique parallel, or eschellon, observed the intention of the dragoons, and quickening their speed, the one on the left, or north-east, consist-

\* A small village three and a half miles west from Falkirk.

ing of the clan regiments who had been in England, arrived first, and immediately on reaching the height halted, and fronted towards the enemy with their backs to the storm; the other column, consisting of the low country regiments, the Maclauchlans, the Athole brigade, and lord John Drummond's, commanded by the duke of Perth, formed in the rear of the first, and in rear of the whole Charles took his station with the Irish picquets and some horse as a reserve.

The field of battle was a slope from south to north, the south terminating in a morass, on which the right of the rebels rested; and about the middle rose a deep gulley that widened toward the north, along whose western ridge their left was drawn up. The royal infantry were ranged also in two lines; their right upon the eastern ridge of the ravine, extending considerably beyond the left of the rebels; whose right in consequence outflanked the left of their opponents. The Argyleshire highlanders were stationed on the ground in front of the camp, and the Glasgow militia placed among some cottages to the south, neither of these auxiliaries being allowed the honour of marching in line with the regulars. Before his first line was completely formed, Hawley gave orders for the horse to attack lord George Murray, which they did, and went forward with some show of courage. Lord George reserved his fire till they were within ten paces, then giving the word, it ran along the front of his line almost from right to left. The experienced worthies of Hamilton and Ligonier's instantly and without ceremony took leave; Cobham's wheeled to the right, and went off more leisurely between the two armies, receiving as they went along the fire of the rebel left. Lord George, when the dragoons fled, ordered his men to remain steady; but with the exception of the Macdonalds of Keppoch, the whole right and centre of his line immediately began to pursue. As they approached the first line of the king's troops, they received and returned their fire; then drawing their swords and dashing among them, threw them into instant confusion, and the route would have been complete; but one regiment of the se-

cond line stood\* and being joined by part of two others, moved a little to the south, under command of general Huske; and thence fired across the ravine upon the rebel regiments who remained on the opposite ridge, with so much effect, that they fell back, staggered, and the pursuers returned to the ground they had left, fearing an ambushade, or thinking their second line had advanced and were engaged.

But no second line was to be found, excepting the Athole brigade, which joined lord George Murray, the greater part of the clansmen who belonged to it, when they saw the flight of the dragoons, had eagerly joined in the pursuit; and the others, who had “waited orders to advance,” when they heard the firing recommence, naturally thinking that their rash and undisciplined companions had met with a repulse, without stopping to inquire, most manfully took to their heels,—thus while the fugitives of the king’s army were carrying their panic to the east, they were running with no less trepidation to the west; the Athole brigade, however, and the reserve, filled up the blank in the first line, and Charles himself led them to the brow of the hill.† Cobham’s regiment, which had never dispersed, and were again about to ascend the acivity, perceiving this, joined the body of foot that kept unbroken, and with them retreated in tolerable order to the camp ground where the Argyleshire highlanders were standing.

The natural gloom of this season at the close of the day, had been increased by the tempest, and in the confused intermingling of the parties, it was impossible to discover who were or who were not victorious;‡

\* Burrels, the northernmost.

† This honour is, however, disputed; it is claimed for Ker of Graden. Lockhart Papers, vol. ii. p. 470.

‡ Of this confusion some idea may be formed from what chevalier Johnstone, who was present, tells us of the state of affairs between seven and eight o’clock in the evening. “After having sought the prince for a long time to no purpose, and without finding any one who could give us the least information respecting him, we fell in with his life guards



but Hawley, stupified and distracted, supposing that all was lost, before it grew quite dark ordered his tents to be set on fire, and precipitately retreated through Falkirk to Linlithgow, leaving behind him his cannon, stores, baggage, and provisions. The rebels, when the lights appeared in several parts of the royal camp—for owing to the wetness it was impossible to make a blaze—supposed that the army had rallied there and meant to renew the battle next morning; but they were undeceived by lord Strathallan's son, and Mr. Oliphant of Gask, who having gone disguised to spy out the state of the enemy, returned and told that they were in full retreat. Lord George Murray then proceeded with a strong body and took possession of the town, and the prince went to snug quarters, but no pursuit was attempted, nor any advantage reaped from the terror of the fugitives. The night being bad, the mountaineers found an agreeable amusement in ransacking the baggage of the desolate encampment. This battle was, like the rest, very quickly decided, by the furious onset of the clansmen, the interval between the first fire and the final retreat of the king's troops not exceeding twenty minutes; no artillery was brought into action by either side, Hawley's stuck fast in a bog at the bottom of the hill, and could not be dragged from where it lay till the conquerors seized it, and the highlanders left theirs a mile behind in their march.\* The loss to the vanquished was

in order of battle, near a cottage on the edge of a hill, with their commander lord Elcho, who knew as little what had become of Charles as we did ourselves. As the night was very dark, and the rain incessant, we resolved to withdraw to the mansion of Mr. Primrose of Dunipace, about a quarter of a league from Falkirk, having a crowd of highlanders as guides, who took the same road. On our arrival at the castle we found lord Lewis Gordon, brother of the duke of Gordon, Mr. Frazer, son of Lord Lovat, and six or seven other chiefs of the clans, but none of them knew what had become of their regiments. Other officers arrived every instant, all equally ignorant of the fate of the battle, and equally in doubt whether we had gained or lost it. About eight o'clock in the evening, Mr. Macdonald of Lochgary joined us, and revived our spirits, by announcing for certain that we had gained a most complete victory."—*Memoirs, &c.* p. 126, et seq.

\* The muskets of the king's troops were rendered useless by the rain and their cartridges destroyed, so that the battle was fought to every advantage with the weapon peculiar to the highlanders; yet it was

severe, particularly in officers, of whom one colonel, three lieutenant-colonels, nine captains, and three lieutenants were killed, among whom were particularly Whitney, the only surviving officer who had been unstained at the battle of Prestonpans, and colonel sir Robert Munro,\* eminently distinguished by his services abroad, and between three and four hundred men, killed and wounded. The victors' casualties were three captains, and four subalterns, with forty men killed and double that number wounded.

So unexpected a defeat spread universal dismay among the loyal part of the community, who, confiding in the boastful promises of Hawley, and the high character of the veterans he commanded, looked forward to a battle as to certain victory. It created dissension, recrimination, and animosity among the rebel chiefs, who had allowed so complete an advantage to elude their grasp when apparently within their reach. Lord George Murray was blamed for detaining any of his men a moment after the enemy was broken; he accused the commander of the second line for not coming up instantly, to enable him to advance without the danger of being outflanked; and Sullivan, the adjutant-general, was reproached for being more attentive to his safety than to his duty: while all allowed that a like favourable concurrence of circumstances,—a surprise, a storm, and an attack up hill with similar dragoons, was not again to be expected.

first gained by a fire of musketry against raw horse, and in some measure retrieved by the volleys of the infantry who were not borne down by the flying.

\* Sir Robert Munro, when deserted by his own, was attacked by six of Lochiel's men, and defended himself for some time. Two he killed with his half-pike, but a seventh coming up fired a pistol into his groin, which brought him down, and the highlander gave him two strokes in the face with his sword, one over the eyes and the other in the mouth, which finished this valiant man. His brother, a surgeon, a great naturalist, who had returned from India with a handsome fortune, and had accompanied the colonel from affection alone to the field, fell in the same manner. They were both honourably interred next day in the churchyard of Falkirk, by order of the earl of Cromarty, and the chiefs of the Macdonnells attended their funeral.—Culloden Papers, p. 268. Doddridge, in his Appendix to the Life of Colonel Gardner, has some interesting particulars respecting the brothers.

Such was the impression upon the king's troops, that had the rebels vigorously followed them, it is probable that this second army might have been as completely dissipated as the first; but the weather, which had contributed so much to the victory, proved injurious to the victors. On entering Falkirk, two regiments were ordered after the fugitives, but the love of plunder had detained so many among the baggage, and the desire of shelter so thinned the ranks of those that remained, that not above fifty could be kept together, and it was with difficulty a sufficient number could be mustered to mount the necessary guards. Next day the rain continued to pour in torrents, and all remained quiet in their quarters; only the earl of Kilmarnock brought in a few prisoners he had picked up among the stragglers upon the road, with whom he returned to "the prince's" head quarters in Falkirk from Calendar House, where he had spent the night. His zeal gave rise to a scuffle that exhibited a curious trait of clanship, and the nature of highland subordination in an army, when it interfered with the honour or privileges of the kindred.

Leaving the prisoners with a guard in the street, his lordship went to Charles to present him the list, and they came together to a window. While looking at them, a soldier passing in the royal uniform attracted the chevalier's notice, and he pointed him out to Lord Kilmarnock, who instantly left the room, and going up to the fellow now opposite the window, knocked off his hat and set his foot on the black cockade. Immediately a highlander interfered, and pushed his lordship back, who, presenting a pistol at the clansman's head, was in return saluted with a dirk at his breast; but a crowd of others interposing instantly, prevented mischief and drove away the earl. The highlander with the dirk then lifting up the hat, put it upon the soldier's head, and he was carried away in triumph. The enigmatical pantomime was thus explained by a highland officer to the prisoners: "The soldier in the royal uniform is a Cameron. Yesterday, when your army was defeated, he joined his clan. The Camerons received him with great joy, and told him that he should wear his arms, his clothes, and every thing else, till he was provided

with other clothes and other arms. The highlander who first interposed and drew his dirk on lord Kilmarnock is the soldier's brother; the crowd who rushed in are the Camerons, many of them his near relatives: and in my opinion," continued the officer, "no colonel nor general in the prince's army can take that cockade out of his hat except Lochiel himself."\* A more unfortunate illustration of the same principle occurred the same day. Colonel *Ænæas* Macdonnel, Glengarry's second son, was accidentally shot by one of the Keppoch tribe, who was cleaning his gun. The young chieftain, when dying, convinced of the poor fellow's innocence, earnestly requested that no harm might be done him; yet the kindred insisted; and although the unfortunate man was also a Macdonnel, it was found necessary to put him to death to appease their senseless fury.†

For such intractable spirits idleness was ruin, and his councillors urged Charles to follow up the blow and again take possession of the capital, before the troops or the people had recovered from their consternation; but his engineers persuaded him that Stirling could not possibly hold out, and he preferred the chance of taking that fortress to the almost certainty of destroying the army. He returned with his guards to Bannockburn, leaving lord George Murray with the highland regiments at Falkirk as formerly, and the lowlanders and foreign auxiliaries resumed the siege. The unskilfulness of his engineers became every day more apparent; the trenches advanced slowly, but from their exposed situation, the workmen were severely annoyed; and the only part of the army that had either regular discipline or experience, the Irish picquets, were sacrificed in a service which, even could the place have been taken, was at the best of very secondary moment. At length an unfinished battery on the north side was opened with a brisk fire from three pieces of cannon to try its effect; when Blackney,—who had allowed them to proceed in that quarter without interruption, where he knew they could do him little harm,—answered M. Mirabelle so effectually, that in less than half an hour his

\* Home's Hist. chap. vi.

† Lockhart Papers, vol. ii. p. 303.

guns were dismounted, his battery abandoned, and the labour of three weeks "demolished like a castle of cards." The destruction of the battery terminated the siege of the castle.

Left without molestation, the royal army, whose scattered members found a resting place at Linlithgow, reached Edinburgh on Saturday evening, and Hawley, whose ignorance and presumption had been the principal if not the sole cause of the disaster, assembled a court martial in order to direct public attention to the minor culprits, several of whom were punished. But whether, owing to fortune or friends, his own conduct escaped without investigation, though the promised reinforcements, which would have rendered him superior in number to the enemy, and in all probability enabled him to achieve a victory, had arrived in the neighbourhood before his return. To keep him in countenance, the officers who had been taken at Prestonpans, and confined in the north were liberated by some armed inhabitants of Dundee, and conducted to the capital, to congratulate their brother in misfortune.

Whether from prudence or orders, Hawley did not attempt to measure his sword again in a hurry with the rebels; he remained to receive the duke of Cumberland, who, when the news of the action at Falkirk reached London, had been ordered by his majesty to Scotland to assume the command. His royal highness arrived at Holyrood on the 30th, at three o'clock in the morning, and having inspected the troops the same day, marched on the next to meet the enemy; and the soldiers, whose spirits were raised by the confidence he expressed in them, and who were disgusted with Hawley, cheerfully set out to retrieve their character under the auspices of their new leader. They left Edinburgh in two columns, the one under the duke by the way of Linlithgow,\* the other led by general Huske by the sea coast, through

\* Linlithgow palace, the noblest in Scotland, if not in Britain, was set on fire wilfully, as generally believed, by some of the ruffians who formed part of the king's troops, and by whom it had insultingly, —such is the sacrilege of war,—been used as a barrack.

Borrowstounness, to unite at Falkirk, where they expected to encounter the insurgents.

Charles himself appears to have longed for a battle, perhaps imagining that in the vicinity of Bannockburn he would realize the chimerical dream of the jacobites, and authenticate upon the same field his fancied resemblance to THE BRUCE; his officers had agreed to indulge him, but the reinforcements his opponents had received, and the expected arrival of the royal duke, induced them to alter their opinions, particularly, when upon an examination of the clan regiments, they found them reduced nearly one half by desertion. The resolution to fight had been taken, and a plan of the engagement shown to Charles on the twenty-eighth, with which he was highly delighted, sat up late that night, and was unusually gay. Next morning early, lord George Murray's aid-de-camp brought to Bannockburn the result of a council of war that had been held on the preceding evening at Falkirk; it was an address from the chiefs to Charles advising a retreat to the north. "We are certain," say they, "that a vast number of the soldiers of your royal highness's army are gone home since the battle of Falkirk; and notwithstanding all the endeavours of the commanders of the different corps, they find that this evil is increasing hourly, and not in their power to prevent: and as we are afraid Stirling castle cannot be taken so soon as was expected, if the enemy should march before it fall into your royal highness's hands, we can foresee nothing but utter destruction to the few that will remain, considering the inequality of our numbers to that of the enemy. For these reasons we are humbly of opinion that there is no way to extricate your royal highness, and those who remain with you, out of the most imminent danger, but by retiring immediately to the highlands, where we can usefully employ the remainder of the winter by taking and mastering the forts of the north; and we are morally sure we can keep as many men together as will answer that end, and hinder the enemy from following us in the mountains in this season of the year; and in spring, no doubt but an army of ten thousand effective highlanders can be brought together and follow your royal

highness wherever you think proper. This will disconcert your enemies, and cannot but be approved of by your royal highness's friends both at home and abroad. If a landing should happen in the meantime, the highlanders would immediately rise either to join them or to make a powerful diversion elsewhere."

This address was signed by some of the most tried, faithful, and brave adherents of the Stuart cause, at the head of whom were lord George Murray, Lochiel, Keppoch, and Clanronald; yet because they would not consent with five thousand men, the whole that now remained together, to meet double their number, and to expect another miracle to be wrought in their favour, Charles, when he had read their remonstrance, though urged with the most respectful professions of attachment for his person, and though it proposed the only plan that could have saved the flower of his army from immediate ruin, struck his head like a furious child against the wall till he staggered! inveighed violently against lord George Murray, and exclaimed, "good God have I lived to see this!" His tutor, Sheridan, was immediately sent to the chiefs to persuade them to comply with the frantic wishes of their prince, but they refused to sacrifice themselves and their followers merely for his whim in so hopeless a contest. Keppoch and several others returned with the tutor, to re-urge the necessity under which they were compelled to act, and Charles was constrained sullenly to accede to their determination.\* He did so, however, in a manner that sufficiently expressed his unwillingness, and in showing his displeasure at being thwarted, he betrayed equally his contempt for the comfort, as he had formerly evinced his disregard for the lives of the men.

February 1st, at eight o'clock, was appointed for the army to assemble at head quarters; and in order to prevent a surprisal, parties under the orders of Kerr of Graden had been established between and Larbert, to give notice of any movement on the part of the enemy. Lord George Murray had directed that before marching, the clothes furnished by the city of Glasgow should be distributed among them, and

\* Appendix to Home's History, No. 30. John Hay's Account of the Retreat—ib. No. 40.

directed this to be done at an earlier hour, at the Old Green Yards, St. Ninians, whither he went to superintend the delivery; but after waiting a considerable time and but few appearing, he sent to inquire the cause, when he learned that the prince and the army had marched off two hours before! then as he had no means of carrying away the articles, he let those who were present take what they wanted, and left or destroyed the rest. The same morning, in the hurry, by intention or accident, the powder magazine in St. Ninians' church, containing seven thousand weight of gunpowder, was destroyed, and several individuals lost their lives, the whole windows in the village were broken, and the shock, like that of an earthquake, felt at many miles distance. A number of the cannon which they could not carry off were spiked and thrown into the Forth, before the rebels broke up from Stirling; and several were left by the army as they retraced their steps across the fords at Frew towards Dunblane, where they halted, Charles sleeping at Drummond castle. Next day they arrived at Crief, and a council was held at Fairnton; want of provisions rendering it expedient for the army to separate, it was there agreed that "his highness," with the clans, should take the highland road, and the lowland troops with the horse, march by the coast,—to meet again at Inverness.\*

At the time the highlanders set out for the north, the duke of Cumberland was approaching Falkirk, and the explosion of their magazine confirming the reports he had heard of their retreat, he despatched the Argyleshire highlanders and dragoons under general Mordaunt to pursue; but whether the highlanders had marched too fast, or the general too slow, he found them beyond his reach, and contented himself with taking possession of Stirling, where the duke himself arrived next day. The royal army was detained till the fourth, repairing the bridge which general Blackney had destroyed to prevent communication between the north and the insurgents in the south; and the highlanders, who had thus gained three days upon their pursuers, were at liberty to proceed with great deliberation.

\* Lockhart Papers, vol. ii. p. 487, et seq.



So much so that Charles amused himself in hunting or fowling among the braes of Athol for some days; and a number of his followers from the neighbourhood of Dunkeld seized the opportunity of returning to their homes, whence many had been most unwillingly and most cruelly dragged. Lord George Murray evacuated Perth about the same time his royal highness left Stirling, and left Montrose about the time he entered Crief.

From Crief Cumberland proceeded to Perth, but the season of the year, and the appearance of the country, not being very inviting, he gave up all idea of overtaking the rebels, whose rapid movements bade defiance to his tactics. For a short time he fixed his head quarters in that town, in order to rest his troops after their long and fatiguing marches, and to make himself acquainted with the nature of the novel warfare in which he was engaged. Strong detachments were placed as advanced posts at Dunkeld and Blair in Athol, under sir Andrew Agnew, and at Castle Menzies on the other side of Tay Bridge, under lieutenant-colonel Leighton, who lived at free quarters upon the produce of the country as long as it lasted.\* In their retreat through England, the highlanders had very unceremoniously supplied their necessities, but their depredations were light in comparison of the destructive retaliation with which the north was about to be visited. Parties were sent to scour the disaffected districts of the country, and under pretext of searching for arms, the most wanton excesses were committed, plate and other valuables were carried off from the houses, and the horse, sheep, and black

\* "I staid at Blair Castle nearly a month, in which time our detachment plundered all the houses which were concerned with the rebels for five or six miles compass. The most noted were lady Lude, a sister of lord Nairne's, lady Fascalley Blairfittedy, several Robinsons, Stuarts, &c. I believe most of the country here about deserved the same treatment, for I fancy there were few that were not rebelliously inclined. We got plenty of oxen, sheep, goats, and horses; also plenty of forage and oatmeal, bedding, &c."—Letters of an English Medical Officer with his royal highness's army in Scotland. Lond. 1746. The writer was with the detachment under sir A. Agnew.

cattle driven from the fields, not only of known or suspected rebels, but from absentees of approved loyalty, who were denounced by the artful malice of their jacobite neighbours, and the plunder thus acquired was publicly sold by military auction for the private behoof of the captors, if not appropriated to the use of the army.

Leaving his troops thus laudably employed, the duke returned to Edinburgh to meet with the prince of Hesse, who had landed in Leith with five thousand Hessians, to replace the Dutch auxiliaries obliged to return to the continent, and to consult with regard to their disposal.\* By another revolution in the cabinet, the duke of Newcastle was restored to office, and the duke of Argyle regained his influence. Lord Milton, his minion, of course became again the agent of a party, which if not hostile, never acted cordially with the president, who was fated, during the whole struggle, to be either left to his own resources, or very feebly seconded in his efforts. A council of war being held at Milton House to consult respecting future operations; the opinion of the officers was, that the rebels would never offer battle to the army of his royal highness, but upon their appearance in the north would disperse. Lord Milton alone dissented. He wished that Cumberland in person should have the honour of putting down the rebellion; and when urged to offer his sentiments, said, he thought, though dispersed among the wilds during winter, they would assemble in the spring, and not submit without one struggle at least; and the duke, acceding to his lordship's views, departed for Perth next morning. In the latter end of February, moving forward the main body,

\* The Dutch, who were bound to furnish his majesty with six thousand auxiliaries, happened at the time when they were required, to have six thousand men who had formed part of two garrisons in Flanders—and who, on the surrender of these places, became bound not to serve for twelve months against the French king or his allies—lying useless on hand, these, as they could not be disposed of to better advantage, were sent to Britain; but as French troops were now engaged in that quarter, the French king demanded that they should be recalled in terms of the bargain, and they were accordingly ordered home.

his grace fixed his head-quarters at Aberdeen on the 27th; having previously seized several gentlemen's houses in Athol, which were occupied as out-posts by the Argyleshire highlanders and small parties of the regular troops. The prince of Hesse with the auxiliaries, took possession of Perth on his departure, and blockaded the highland passes.

Had the advice of the lord president been attended to, the rebels would have been frustrated in their endeavours to prolong the contest, or ever to attempt another engagement. Writing to the marquis of Tweeddale, secretary of state, on the first news of their retreating from England, with an accuracy more like narrative than conjecture, he pointed out the danger of the north, and urged the necessity of being prepared for it. "If," said he, "they march in a body, and bring any artillery, we, in our present condition, without arms and without money, shall not be able to withstand them, and they will be able to make themselves masters of the three forts in a trifle of time, as the regular troops cannot possibly follow them northwards through the mountains at this season of the year, for lack of forage and provisions. I have frequently," he adds, "acquainted your lordship, that if we had arms to put in the hands of such of the clans as have on this occasion showed their fidelity, and thereby infinitely provoked the rebels, and money to subsist them, we could bring great numbers to the field on any emergency, with their chiefs at their head; and particularly in my last by the Saltash, I earnestly pressed for a speedy remittance of money, which is now very low with us, as well as a supply of arms; if they come in due time, we shall be able to put arms into the hands of two thousand or three thousand highlanders, to resist an impression which may otherwise be not only fatal to gentlemen who have deserved signally well of his majesty, but may tend to lengthen out our confusions till the spring." But the arms and cash did not arrive, and the rebels pursued a course similar to what the president had predicted.

Being beyond pursuit, numerous small parties were al-

lowed to retire to their homes; the main body under Charles marching through Badenoch for Inverness, had the honour of achieving the conquest of Ruthven barracks, which had baffled his soldiers on a former occasion. They were then, for the sake of sustenance, separated among the mountains in divisions, and quartered in such a manner as that they could be easily collected on the shortest notice. "The prince" on the sixteenth visited Moy, within ten miles of Inverness, the chief of the Macintoshes' castle, whose lady was the flower of the jacobite beauties, enthusiastically attached to the cause which her husband and father politically opposed.\* Here "his highness" escaped capture, by an instance of presence of mind in a blacksmith, which might have done credit to the most consummate captain or experienced warrior.

Lord Loudon, stationed at Inverness, was altogether inadequate to contend openly in the field, in consequence of the continued neglect of government;† but his lordship, an ac-

\* She was the daughter of Farquharson of Invercauld, and her husband, who was in the royal service, kept back his people from joining the rebels; but she herself afterwards went to Charles at the head of a party of her clan, and her husband being taken prisoner, was given to her in charge by the chevalier, with a remark, "that he could not be in better security, or more honourably treated."—Stewart's Sketches, vol. i. p. 114.

† Of this the lord president, in a letter to the earl of Stair, dated Dec. 22, 1745, bitterly complains. "It is a little discouraging, my lord, that endeavours so sincere, and if you will give me leave to say it, so successful for the support of government, and the security of England, as ours have been, should have been treated with such neglect. And though there might have been some excuse for their not minding us whilst an enemy was so near London; yet if, when that danger is happily removed, care is not taken to supply our wants when without such supply, we shall be in no condition to defend ourselves from the warm resentments of the rebels, or to do any farther service to the government; the danger, dishonour, and expense that may ensue in the continuation of a rebellion in this corner of the country till the spring, cannot be chargeable on us; nor can any honest man, who lies at such a distance, be blamed for the future, if they sit still with their arms across, should any other disturbance emerge, which I pray God may forbid. You see, my lord, I write with some emotion," &c.—Culloden Papers, addenda, p. 464. And after the battle of Culloden, he thus

tive and zealous officer, planned a secret enterprise to seize Charles, who, depending upon his inefficiency, was residing in careless security, with hardly the usual formality of a body-guard. To prevent any intelligence of his motions, the earl, about three o'clock in the afternoon, posted guards and a chain of sentinels round Inverness, with strict injunctions not to suffer any person to leave it on any pretext, however high his rank, and at the same time ordered fifteen hundred men to hold themselves in readiness at a moment's warning; having assembled this body of troops without noise, he put himself at their head, and instantly set off, planning his march so as to arrive at Moy about eleven o'clock at night. Notwithstanding all his precautions, however, some of Charles's partizans contrived to convey intelligence to Moy of the intended surprise,\* and the

writes to Mr. Ross, 13th May 1746.—“What distressed us most in this country, and was the real cause why the rebels came to a head after their flight from Stirling, was the want of arms and money, which God knows had been long enough called for and expected. Had these come in due time, we could have armed a force sufficient to have prevented their looking at us on this side Drumnachter. The men were prepared; several hundreds assembled in their own countries, and some hundreds actually on their march. But unluckily the ship that brought the few arms that were sent, and the sum of money that came, did not arrive in our road sooner than the very day on which the rebels made themselves masters of the barrack of Ruthven. It was then too late to fetch unarmed men from distances, it was even unsafe to land the arms and money, so we were forced to suffer them to remain on board, and to retreat with the force we had to preserve them,” &c.—Culloden Papers, p. 275.

\* There are various accounts of the manner in which this intelligence was conveyed. Home says, “Of this design against her guest lady Macintosh was informed in the evening by two letters from Inverness, one it is said from Fraser of Gorthleg, and one from her own mother, who was a whig, but did not like that Charles should be killed or taken prisoner in her daughter's house.”—Chap. ix. Johnstone gives the following story: “While some English officers were drinking in the house of Mrs. Baillie, an innkeeper in Inverness, and passing the time till the hour of their departure, her daughter, a girl of thirteen or fourteen years of age, who happened to wait on them, paid great attention to their conversation, and from certain expressions dropped from them, she discovered their design. As soon as the generous girl was certain

blacksmith of the village adjoining undertook to defeat it. He assured Charles that he might rest secure, there was no necessity for his leaving the castle, and that he might keep himself perfectly easy; but the prince preferred the security of the neighbouring mountains, and left the blacksmith to pursue his plan. He accordingly assembled about a dozen of his companions, and advanced to some distance on the Inverness road to await the arrival of the detachment. Having posted them at some distance from each other, with directions not to fire till he gave the alarm, and then not together, but one after another. As soon as he heard the earl approach, he called out loudly, Here come the villains, and shouted Camerons, Macdonalds, advance! spare not! give no quarter! and the party firing on the instant from both sides of the wood, killed the drummer, who was in front. The earl of Loudon's men, perceiving that they were discovered, and not knowing the number of their opponents, struck with a sudden panic, took to their heels, and trampling down each other in their confusion, never stopped to look behind till they reached Inverness.

Next day Charles collected his scattered forces, and proceeded to that town, intending to revenge the insult, but Loudon, accompanied by the lord president, retreated to Ross-shire, by Kessoc ferry, and prevented all pursuit by carrying with him the boat craft of every description to the north side. The rebels entered Inverness just as

as to their intentions, she immediately left the house, escaped the town, notwithstanding the vigilance of the sentinels, and took the road to Moy, running as fast as she was able, without shoes or stockings, which, to accelerate her progress, she had taken off, in order to inform the prince of the danger that menaced him. She reached Moy quite out of breath before lord Loudon; and the prince with difficulty escaped in his robe-de-chambre, nightcap, and slippers, to the neighbouring mountains, where he passed the night in concealment. This dear girl, to whom the prince owed his life, was in great danger of losing her own from her excessive fatigue on this occasion; but the care and attention she experienced restored her to life, and her health was re-established." —Memoirs, pp. 145, 146. All agree respecting the blacksmith. That lady Macintosh knew and kept the secret from Charles, I think rather apocryphal.

the others were leaving it, and commenced besieging the castle. It was a square building, fortified in the modern style, with four bastions, but was rather a barrack than a fortress, though honoured with the title of Fort George. Lord Loudon, at his departure, had thrown in two independent and one regular company, who being well provisioned, and having plenty of ammunition, might have kept the enemy at bay for a time, but some French officers beginning to make at least the form of a siege, the garrison surrendered, and the rebels obtained upwards of one hundred barrels of beef, sixteen pieces of cannon, and a considerable quantity of military stores. The fortifications were immediately destroyed. The artillery found in Fort George enabled them to undertake the siege of Fort Augustus, which was conducted by the Irish engineers, and finished in a few days; the garrison, consisting of about one hundred and fifty men, were made prisoners of war.

The rebel head quarters were now established at Inverness, and thither their grand divisions were concentrating. Two French vessels had arrived at Aberdeen and Peterhead with money, ammunition, arms, and a piquet of the cavalry of Fitz-James dismounted. This seasonable supply, escorted by that portion of the army under lord George Murray, which left Aberdeen on the approach of Cumberland, joined "his highness" in the end of the month; and while the state of the weather detained the duke in winter quarters, the rebels increased in numbers, dispersed the earl of Loudon's armament, and reduced the greater part of the posts in Athol from whence they could be annoyed, or which prevented their recruits from assembling.

In the beginning of March, the earl of Cromarty was sent to dislodge lord Loudon from Ross-shire, but his lordship stood his ground till the duke of Perth and lord George Murray arrived with the Macdonalds of Clanranald and a battalion of the Camerons, when he retreated across the Firth of Tain to Sutherland, quartering his troops in the town of Dornoch and the surrounding country. Their

pursuers then encamped at Fairntosh, whence lord George returned to head quarters. The duke of Perth, on whom the sole command devolved, having collected a number of boats at the town of Tain, directly opposite Dornoch, ordered part of his men to embark, and while they crossed under cover of a fog, he marched with the remainder round the head, of the frith, and uniting within a short distance of Dornoch, surprised about two hundred of lord Loudon's regiment on their march, and took their major, [Mackenzie,] with several other gentlemen, and about sixty privates, prisoners. Lord Loudon obliged, in consequence of this disaster, to decline a meeting, retreated through Sutherland to the sea coast, and embarked, along with the president, Macleod, and six hundred men, for the Isle of Skye; a small party, with a few officers, retiring to lord Reay's country, where they soon after accidentally assisted in a most important piece of service.

Lord George Murray contrived the surprisal of the posts in Athol, and upon his return from Sutherland hastened to carry his project into execution; the scheme was entirely adapted for the highland character, and as admirably executed. Taking with him one regiment of the Athol brigade, he was joined by Cluny in Badenoch with three hundred Macphersons, who had previously secured the passes, to prevent any communication between that district and Athol. About dusk in the evening of the sixteenth, the united force, amounting to seven hundred men, set out for Dalwhinnie, without being informed of their leader's intentions, till they reached Dalnaspidel, on the confines of Athol, where they halted, and being divided into a number of small parties, lord George addressed them in a speech, and explained to them the nature of the service. They were to make a simultaneous attack, under cover of the darkness, upon every post in Athol occupied by regular troops or Argyleshire highlanders, and to every one who should surprise a sentinel he promised a guinea of reward. The bridge of Bruar, two miles north of Blair, was appointed as the place at which all the parties should re-assemble, after having executed their orders, where lord



George Murray and Cluny were to wait their arrival. Before day-break their object was gained, thirty posts being surprised and carried: At one, Bun-Rannoch, the Argyleshire men were engaged in a lyke-wake,\* and were made prisoners in the midst of their revolting festivity without a shot being fired; at another, Blairfetty, the sentinel was seized, and the enemy were in the house before its tenants knew of their approach. Wherever the highlanders were the keepers, the stations were taken without bloodshed, but where the regulars were stationed, their better discipline occasioned some trifling loss; at Kinna-chin, the sentinel was on his guard and gave the alarm, but after a short resistance, in which one man was killed, the assailants broke into the house, and made the party prisoners. At Lude, occupied by a party of the 21st regiment, the sentinel was killed, and the rest surrendered; but at Blair Inn, where their officers were quartered, the resistance was more determined and successful, and the

\* “ This ancient custom most probably originated,” Dr. Jamieson thinks, “ from a silly superstition with respect to the danger of a corpse being carried off by some of the agents of the invisible world, or exposed to the ominous liberties of brute animals. But in itself it is certainly a decent and proper one, because of the possibility of the person considered as dead being only in a swoon. Whatever was the original design, the *lyke-wake* seems to have very early degenerated into a scene of festivity, extremely incongruous to the melancholy occasion. Penant gives an amusing account of the strange mixture of sorrow and joy in the *late-wakes* of our highlanders. The late-wake is a ceremony used at funerals. The evening after the death of any person, the relations and friends of the deceased meet at the house, attended by the bagpipe or fiddle; the nearest of kin, be it wife, son, or daughter, opens the melancholy ball dancing and greeting—i. e. crying violently—at the same time; and this continues till day-light, but with such gambols and frolics among the younger part of the company, that the loss which occasions them is often more than supplied by the consequences of that night. If the corpse remain unburied for two nights, the same rites are renewed. Thus, Scythian like, they rejoice at the deliverance of their friends out of this life of misery. It was not alone in Scotland that these watchings degenerated into excess. Such indecencies we find long ago forbidden by the church. *In vigiliis circa corpora mortuorum vetantur choreæ et cantilenæ seculares ludi et alii turpes et fatui. Synod Wigorn An. 1240.*”—Penant’s Tour in S. 1769, p. 112. Jamieson’s Dict.

whole of these gentlemen made good their retreat to the castle. At their arrival, sir Andrew Agnew on the instant got his garrison under arms, and in return had very nearly surprised the surprisers, who only escaped by one of those fortunate incidents which a happy genius, aided by cool presence of mind, is able in this species of warfare to turn to advantage. About day-dawn, before any of the parties had come in, a highlander from the town of Blair brought intelligence to the bridge of Bruar of sir Andrew's approach. Lord George and Cluny had then with them only twenty-five privates and a few elderly gentlemen, but they had all the colours and pipers of the parties; to resist was impossible, and to retire was destruction. "If I quit my post," said lord George, "all the parties I have sent out as they come in will fall into the hands of the enemy." There was no time for hesitating; already the streaks of light upon the mountains announced the near approach of sun-rise. In this emergency, looking anxiously around him, he observed an unfinished fold-dike, intended as a fence for cattle, of considerable length, that intersected a field near the bridge. Thither he instantly led his men, and drawing them up behind the dike at a distance one from another, to make a formidable appearance, he placed the colours in front, ordered the pipers to keep their eyes fixed upon the road from Blair, and the moment they saw the soldiers, to strike up with all the instruments at once. Just as the sun rose, the regiment came in sight, and at that moment the whole band saluted them with their loudest blast of bagpipe music, while the officers and men drew their swords and brandished them about their heads. Sir Andrew, who was near sighted, after gazing a while in silence at the spectacle, faced his men to the right about and marched back to the castle of Blair.

Shortly after, several of the parties arrived, having performed their service in excellent style, and made three hundred prisoners, without the loss of a single man. Lord George now followed Agnew with about four hundred, and invested the house of Blair. Blair Castle was then an irregular building, with walls of great

thickness, but no siege having been anticipated, it was ill prepared, having only some cheese and bread for the men, and very little provender for the horses, but they had a well within the house which supplied them with water; their ammunition amounted to only sixteen round of ball-cartridges per man. The investment was so sudden, that it was with difficulty the guard escaped being intercepted when falling back into the castle. But their commander was a man of the most determined character, and every precaution was taken to defend the place to the last extremity; the doors were barricadoed; the garrison, about two hundred and seventy, rank and file, were placed under proper officers in the different apartments, with orders to be sparing of their shot, except in case of an actual attack, and put upon an allowance of a pound of biscuit, a quarter pound of cheese, and a bottle of water per diem.

Early in the morning of next day, lord George, who well knew the governor's choleric temper, jocularly sent him a written summons to surrender by a handsome highland girl, the maid of the Inn, his officer's rendezvous, at Blair: she delivered her message with great earnestness, and strongly advised a compliance, as the highlanders were a thousand strong, and would batter the castle about their ears. The young officers relished the joke, and desired her to return, and tell those gentlemen that they would be soon driven away, when they would become her visitors as formerly; but she insisted upon the paper being delivered to the governor, and a superannuated kind of a lieutenant was prevailed upon to carry it. No sooner, however, did "the peerless knight" hear something of it read, than he furiously drove the lieutenant from his presence, vociferating after him a volley of epithets against lord George, and threatening to shoot through the head any other messenger he should send; which the girl overhearing, was glad to take back the summons to her employer, who with lord Nairne, Cluny, and some other chiefs, were waiting in the churchyard to receive her, and appeared highly diverted with her report. Lord George, who had only two small

cannon, threw some hot balls, that did no mischief, and he waited the progress of famine; which must very soon have forced the garrison to surrender, or attempt to break through and try to gain the king's troops at Castle Menzies.

Before making any such desperate effort, sir Andrew resolved, if possible, to acquaint the earl of Crawford, who was with the Hessians, of his situation, and Mr. Wilson, the duke of Athol's gardener, undertook the perilous journey. The great door being unbarricadoed, and opened without noise, he slipped out unperceived by the rebels, and proceeded on horseback slowly to the bottom of the avenue that led to the high road; when being discovered and fired at, the soldiers in the Castle directed their muskets to the places whence the firing proceeded, and it ceased, which the garrison hoped was a mark that Wilson had escaped; but next day, to their grief, they perceived a highlander mounted on the horse that he had rode, and understood that he was either a prisoner or shot. Still, however, no thoughts of a surrender were entertained, and they were looking forward with no very agreeable sensations, when, to their surprise, the girl from Blair Inn brought them the joyful intelligence that the highlanders had gone off for Dalnacardoch and Badenoch. The governor, dreading a stratagem, would not allow them to relax, till on the second of April an officer arrived from the earl of Crawford with intelligence that his lordship, with some cavalry, was on the road, and might be expected in an hour; when the garrison, being drawn out, the earl was received by their eccentric commander, with this compliment, "My lord, I am very glad to see you, but by all that's good you have been very dilatory,—we can give you nothing to eat." His lordship answered laughingly, "I assure you, sir Andrew, I made all the haste I possibly could, and I hope that you and the officers will do me the honour to partake with me of such fare as I can give you." The invitation was too welcome to the half starved officers to be refused, and they adjourned to the summer-house in the garden, where a plentiful dinner was provided, and

excellent wines. They then learned that their friend Wilson had performed his service, but his horse, startled by the firing, had thrown him, and while he made his escape on foot, the highlanders made a prize of the animal; they were also informed of another cause of delay: lord Crawford had in vain attempted to bring up the Hessians to their relief, but so great was their terror of being attacked in the awful pass of Killikranky by the swords of the wild mountaineers, that they absolutely refused to go beyond it.\*

Fort William was more formally besieged, but with as little success. Expecting a visit from the rebels, the garrison had been strengthened by three hundred Argyleshire men, with a good engineer and a detachment of the regulars, besides which, two sloops of war, the *Serpent* and *Baltimore*, had been ordered to cruise on the station. The command of the sea secured supplies, and their superior skill, although neither of the parties were prodigies in the art of war, enabled them to baffle all the attempts of the be-

\* Genuine Narrative of the Remarkable Blockade, &c. of Blair Castle, &c. by a Subaltern Officer [ensign, afterwards general Melville] who acted in its defence. Scots Mag. 1808. Another writer mentions, that during the siege, the Hessians marched to relieve the castle, and as some of the Athole men were advanced as far down as Dunkeld to get intelligence, and to guard that with other passes on that river, there were frequent skirmishes between them and the Hessian hussars.—Lockhart Papers, vol. ii. p. 515. In one of these actions, the highlanders took a lieutenant prisoner. “Next day,” continues Johnstone, “lord George sent back the officer with a letter to the prince of Hesse, in which he demanded, in the name of prince Charles, a cartel for the exchange of prisoners on both sides, adding, that if he would not grant it, all the Hessians who might fall into our hands should be put to the sword. The prince of Hesse communicated the letter of lord George to the duke of Cumberland, representing the demand as reasonable and just, but the duke would not hear of any cartel. The prince declared instantly that without a cartel no Hessian should stir from Perth, and he added, that he was not so much interested in the quarrel between the houses of Stuart and Hanover, as to sacrifice his subjects in combating with men driven to despair. The prince kept his word; having always remained at Perth with his Hessians, and refusing to advance to the north of Scotland to join the English army, as the duke of Cumberland wished him to do.”—Memoirs of the Rebellion, pp. 158–9.

siegers, till the urgency of affairs called them off, like their friends at Blair castle, to another quarter. In the latter end of February, a rebel force, to the amount of fifteen hundred men, including the French picquets and a train of artillery, sat down before the fortress. Brigadier Stapleton superintending the operations, Lochiel commanding the highlanders, consisting chiefly of his own clan, with the Macdonalds of Keppoch and Glenco, and the Stuarts of Appin. As preparatory operations, and to prevent any succour from Inverary, they seized the narrows of the Carron and the pass of Ardgour, but an attack by the boats of the sloops of war and a boat belonging to the fort, drove them from the post, and the ferry houses on both sides of the water were burned, which leaving the passage open, captain Scott threw himself into the place, and conducted the defence under Campbell the governor.

Occasional firing occurred on both sides till the twenty-first of March, when the besiegers' batteries began to play; the day following they sent a summons by a French drummer, but he was not permitted to enter the garrison. The cannonading was then resumed, but on the succeeding days the besieged made several sallies, and generally with success; they seized some of the batteries of the besiegers, and even wasted the lands of the Macdonalds and Stewarts, carrying off the cattle and burning their houses, while parties from the sloops of war, in conjunction with some Argyleshire highlanders, destroyed the villages of Morven. These ravages, conducted with the utmost barbarity of highland warfare, stripping women and children, wasting the corn and houghing the cattle, were attributed chiefly to the Campbells, and were threatened to be retaliated upon their heads by Lochiel and Keppoch, who, "with hearts full of revenge," declared their determination, if they obtained "his royal highness's leave," to enter their country and to act at discretion, "to hang a Campbell for every house that should be burned by them." Disclaiming war with women and the brute creation, Lochiel added, that as his people had been the first who felt the cowardly brutality of their Campbell friends, he only desired to live to have an oppor-

tunity of thanking them for it on the field ;”\* but no opportunity was ever afforded them. After wasting their strength in useless endeavours, they were forced, early in April, to raise the siege abruptly, and retire from that district, leaving behind them the greater part of their battering train.

One of the most revolting features in intestine war is its thievish cruelty, and the royal forces in this respect certainly appear to have merited the palm of infamous superiority, even before the excesses they committed in the insolence of victory ; but the duke of Cumberland, while he lay at Aberdeen, politically punished some of the marauders, and strictly prohibited any intermeddling with the property of rebels, till it should be fairly decided in the courts of law. Upon one occasion he exercised an ostentatious liberality, which was highly praised, but was unfortunately singular ; some detached parties having pillaged Gordon of Cowbairdie’s house, his lady, by lord Forbes her father, petitioned the duke, who ordered a hundred guineas to be given her.

During the winter campaign, which displayed the high and soldierlike qualities of the mountaineers for whatever required endurance of fatigue, privation, or courage, the duke of Cumberland, confessedly inferior in all these qualities except the last, distributed his forces during the severity of the season in sheltered cantonments, and waited the more genial approach of spring for putting forth his strength. Towards the middle of March general Bland advanced from Aberdeen to Old Meldrum, seventeen miles nearer the impetuous Spey, then without a bridge, and unfordable except in uncommonly dry weather ; his orders were to attack the rebels in Strathbogie, where colonel Roy Stuart had a body of about a thousand foot and some horse ; but the colonel, on his approach, withdrew to Fochabers, and Bland took possession of the quarters he had left. A detachment of this division, consisting of seventy highlanders of Argyle, and thirty of Kingston’s horse, sent forward to Keith, was surprised by the rebels from Foch-

\* Letter to the sheriff of Aird.—Scots Magazine, 1746.

abers, who, surrounding the village, entered at both ends, and killed, or made prisoners of the whole party, except a cornet, five men, and two horses of Kingston's, who escaped; the highlanders who lay in the church defended themselves vigorously, and lost severely, their captain was among the killed.\* After this little brilliant affair, the king's troops kept on the alert, and for several nights successively were under arms, afraid of another visit. The whole first line, consisting of six battalions, with Kingston's horse and Cobham's dragoons, assembled on the twenty-sixth in Strathbogie; and at the same date the remainder of the royal force were thus disposed: the reserve, consisting of three battalions, with five pieces of cannon under the command of brigadier Mordaunt, at Old Meldrum; and the second line, consisting likewise of six battalions, and lord Mark Kerr's dragoons, remained at Aberdeen with the duke of Cumberland,

Notwithstanding their partial glimpses of success, the prospects of the rebels were far from being pleasant; their numbers had increased, but their means of support had diminished. The promises of foreign invasion had failed, and even the slender supplies which single vessels could bring was precarious, as the numerous British cruisers scarcely ever failed to intercept them on their passage. The Hazard sloop which they had taken, and now named the Prince Charles, was at this time retaken under very aggravating circumstances. Being a remarkably quick sailer, she had made two or three lucky voyages to France, and was returning laden with arms, ammunition and money, when she was descried by the Sheerness British ship of war, captain O'Brian, off Troup head, who immediately gave chase, and following her through the Pentland firth, after a running fight of five hours, at last drove her ashore in Tongue bay, Sutherland, where the crew and passen-

\* Scots Magazine, 1746. Home, chap. ix. who follows pretty closely the accounts published in the Scots Magazine, gives the number as stated in the text. Chevalier Johnstone says 180 prisoners were taken on this occasion.



gers, twenty officers, and one hundred and twenty sailors and soldiers, French, landed late in the evening. Lord Reay with his men, and the party of lord Loudon's regiment, were most inopportunately near the spot, and his lordship having obtained information respecting their numbers, dispatched about fifty of each against them; they came up with the Frenchmen in the morning, who had forced a guide to lead them away during the night, and immediately attacked; the French returned their fire briskly, but could not stand the broadsword, and seeing at the same time a reinforcement advancing, surrendered, after six were killed and about as many wounded. As they were foreigners they were put on board the Sheerness; the spoil, besides military stores, contained nearly thirteen thousand pounds sterling in gold.\*

Another vessel laden with the munitions of war, was taken two days after by the Sheerness. She was commanded by one Sinclair, who pretended that he was bound for Boston in New England, and forced into Stromness, by stress of weather; there, six highlanders, and six Orkney men in correspondence with the captain, not only seized her, but laid an embargo on twelve other vessels in

\* The Hazard sloop of war had been cruising off Montrose while it was in possession of the rebels, and had burned some vessels of theirs in the harbour, which sorely annoyed them as they could make no reprisal, till some time in November she was becalmed in a thick fog off that town, and they seizing the opportunity, boarded her with a parcel of fishing boats, and took her without resistance;—such dread did the broadsword of a highlander carry with it, till their “prince” himself broke the charm at Culloden.

A note to chevalier Johnstone's Memoirs, p. 150, says that “Mr. Young was informed by a gentleman from that part of the country, that the pillage in question was the foundation of a considerable fortune to one individual; as lord Reay's factor or steward he had the disposal of it, and the money being in boxes, he contrived to persuade the highlanders that the boxes were filled with shot. His family is now very opulent.” But as the money was known to be seized, and announced in all the papers of the time, this must either not have been the case, or there must have been more than the twelve or thirteen thousand pounds. It is scarcely probable that though the factor might deceive the common highlanders, he would be equally successful with the officers; nor were the government agents in 1745 less acute in scenting out a prize than afterwards.

the harbour, and with the assistance of a rebel party at Kirkwall, intended to appropriate them to the use of the chevalier ; but intelligence having been transmitted to lord Reay, he communicated it to captain O'Brian, who relieved the merchantmen, and made an easy capture of the pretended Bostonian. Upon rendering this service, lord Reay, who considered himself no longer safe in his own county, the earl of Cromarty having threatened him with fire and sword, took a passage to Edinburgh by sea, as did lord Loudon's soldiers to Aberdeen.

These losses, particularly that of the money, were severely felt by Charles, whose exchequer, verging to the last extremity, scarcely counted five hundred louisdores, and there was no hope of recruiting it, except by making another incursion into the low country. Shortly before this, he had contemplated such a project, and had sent pressing orders to Stapleton and Lochiel to bring the siege of Fort William to a close, and hasten through Argyleshire, while he with the rest of the army would descend upon Perth and form a junction. But Fort William was a more tedious business than they had supposed, and the Hessians were in possession of the outlets of the highlands. Now he was blockaded by the hostile forces, who were daily narrowing his circle, and there remained but a choice of desperate expedients:—to venture the chance of a pitched battle with an army formidable in cavalry and artillery, and headed by a prince who possessed their confidence; or to take to the natural fastnesses of the country and prolong the contest by a mountain warfare, in reliance on the faithless promises of France, the still more hopeless assistance of England, or the improbable possibility of forcing government to give them terms. The former was the wish of the highlanders, and the passage of the Spey was expected to decide it.

As soon as that river was reported fordable, Cumberland commenced his march northward along the coast, attended by a fleet of transports with provisions and stores, under the protection of some ships of war. The last division of his troops left Aberdeen on the eighth of April, and formed a junction with the others on the eleventh at Cullen,

having burned some non-juring meeting-houses by the way—an amusement the soldiers were extremely fond of—and hanged two rebel spies at Banff, one of whom was caught in the act of numbering the royal forces by notching. The duke's march had been unfortunately through the most disaffected part of the country; at Forfar, they had recruited for the rebels almost in his presence,\* and in the counties where he was, the loyal inhabitants were uniformly plundered. Cullen house, the earl of Finlater's seat, where he lodged, had been stript, and the village pillaged just before he entered, which, although the natural consequence of being the seat of war, and what in other hostilities would have been called a just retaliation, gave his grace an unfavourable impression of Scotland, which his English friends were willing to cherish.

From Cullen the army proceeded through Fochabers to the Spey, on approaching which they perceived the opposite bank covered with the enemy in martial array, and halted in expectation of having to force the river. Lord John Drummond had been entrusted with its defence, and had the whole of the rebel force been collected, it was the intention of their leaders to have fought the decisive action here, a situation much preferable to what was afterwards chosen; but they were scattered over the country, and lord John's detachment was too inferior to contest the point with any prospect of success; upon the appearance of the royal army he withdrew to Elgin, and a few shot from lord Elcho's troop of life guards was the only opposition they met in crossing this formidable stream. It was passed at three places, by one division at a ford near Gormach, by another at Gordon castle, and by the third near Belly church. After the passage was effected, each soldier had a quartern of rum and a biscuit served out to him, and they lodged for that night near the river, the duke taking possession of the manse of Speymouth, which the rebel chief had so lately occupied. Next morning they pursued their route, and encamped at Alves, within

\* This was afterwards denied by the minister, session-clerk, and elders of the town. *Scots Mag.* 1746. p. 194.

four miles of Elgin. On the fourteenth they moved to Nairn, the van guard consisting of some companies of grenadiers, a party of Argyleshire men, and Kingston's light horse. The rebels continuing to retire before them, their rear guard composed of the Clanranalds, the French piquets, and Fitz-James's horse, frequently exchanged shots with the other, and at a little distance beyond Nairn had very nearly come to an engagement; but Charles unexpectedly appearing with a troop of his guards and the Macintosh regiment, the royal party fell back upon their main body at Nairn, and the rebels marched on to meet their companions at Culloden.

When Charles heard of his antagonist's having received all his reinforcements and supplies, and that he was preparing to advance, he sent expresses to call in all his forces with the intention of meeting him. The sieges of Blair and Fort William were immediately raised, and the troops from the former were sent to Spey side; the latter were repairing to Inverness, whither the rest were daily expected, when the news of Cumberland's having passed the Spey broke upon them like a thunderbolt. Cumberland's motions had not been wonderfully rapid, yet they caught the rebels unprepared, who had not calculated upon his advance before they were ready to meet him, nor that he would have been allowed to cross the Spey till their troops were collected; for although the inequality of numbers forbade the hope that lord John Drummond should ultimately prevail, yet as the fords were critical, and some of them run in a zig-zag direction, exposing the enemy to be enfiladed in passing, it was thought that he might have been detained for some time on the banks, or severely annoyed before he got over.

None of these events happened, and at this hour of their

\* Hawley, who seems to have had a great predilection for hanging any unfortunate wretches over whom he had the power, ordered a poor fellow to be hanged at Nairn, "but in five minutes the duke, on hearing his innocence, ordered him to be cut down. Being recovered to his senses, he appeared wholly ignorant of the last scene he had gone through."—Henderson's Hist. of the Rebellion, p. 317.

necessity Lochiel and Keppoch had not arrived, the Macphersons with Cluny were in Badenoch, the master of Lovat with the Frazers were also in their own country, Mackinnon, Glengyle, and Barrisdale, were absent in Ross, and the earl of Cromarty, with seven hundred men, was in Sutherland. Charles, notwithstanding, upon learning that the enemy were advancing, announced his resolution to meet and give them battle; and when his advisers requested him only to delay for a short time till his scattered detachments came in, with a presumptuous confidence that insured ruin, he declared if he had only a thousand men he would attack them,\* and accordingly marched out of Inverness with what force he had, leaving orders for such as should arrive to follow him to Culloden—on the north-west of Drum Mossie muir; an extensive heath about five miles distant from Inverness, and not quite twelve from Nairn.

After advancing on the Nairn road to meet the retreating column, the prince returned to Culloden. In the evening Lochiel arrived, and the whole bivouacked among the furze in the parks, Charles and his general officers lodging in the house. Next day Keppoch with his Macdonalds joined, and the army was drawn out on the muir in order of battle, to receive the enemy. Lord George Murray and the principal officers were averse to engage on the plain, and proposed to retire to a strong ground on the other side of the water of Nairn, and there wait the duke of Cumberland, where if he dared venture to attack, every probability was against him, and they had no doubt the highlanders would give a very good account of him; or if he did not, they proposed to retire and draw him further into the mountains, where in some pass or glen a favourable opportunity would most assuredly offer for assaulting him; but Charles would not listen to any thing that had the appearance of avoiding an engagement.

About mid-day, lord George sent brigadier Stapleton and Kerr of Graden to view the ground on the other side the

\* Lord George Murray's Letter to Hamilton of Bangour. Home's App. No. 42.

Nairn, and at three they returned with a report that it was exactly such as his lordship had described it. Still Charles was inflexible; he would not give up Inverness, and the enemy might pass without attacking them! the scarcity of provisions was also urged as an insuperable objection, but lord George insisted that notwithstanding every culpable neglect, there was still enough at Inverness for present use, part of which could be easily brought to their position, and the rest sent towards Loch Moy, where he meant to retire if the duke of Cumberland did not cross the water of Nairn, nor gave an opportunity of fighting to advantage. The chevalier insisted upon fighting where they were, and with surpassing folly preferred meeting in an open level an enemy who had a well served artillery, and a vast superiority in horse.

Then, lord George, when he saw inevitable destruction staring them in the face, suggested a surprise. He had before considered it probable that Cumberland, in marching from Aberdeen, might rest a night at Nairn, and designing, if circumstances proved favourable, to make some such attempt, had consulted Anderson, the guide at Preston, who entirely approved it, and entreated him to explain his plan to some of the chiefs, particularly Lochiel; but this he refused, as he said they would be talking of it to their friends, and as success depended upon secrecy, that would entirely destroy the whole; now in desperation he communicated it to the prince. There being no appearance of Cumberland's approach, it was taken for granted, that as it was his birth-day his soldiers would be celebrating the occasion, and remain carousing in camp. The men were therefore ordered to their quarters, and Charles, assembling the chiefs, produced as his own scheme, a night attack upon his camp at Nairn, before the troops should have recovered from their supposed debauch. No one, however, appeared to enter into the spirit of the proposal. Lord John Drummond and the duke of Perth expressly disapproved, and Lochiel drily remarked, the army next day would be stronger by fifteen thousand; but lord George Murray, still fearing an engagement on the

muir, strongly seconded the motion, pointing out the advantages of a night attack, in rendering cannon and cavalry, of which he had a rational dread, almost useless, and it was agreed to make the attempt, as the best alternative in their circumstances. Lord George, glad at having carried this object, expressed great confidence of success, and assured Anderson that he considered the night attack as giving their army a much better chance than they had either at Preston or Falkirk.

Eight o'clock was the hour fixed upon for marching, but by some gross mismanagement,—which the highlanders attributed to their officers, and their officers attributed to John Hay, acting secretary to Charles, in absence of Murray, who was sick,—the whole provisions served out to the army that day had not exceeded a biscuit per man; and between six and seven “they broke off in all directions in search of provisions and quarters.” When the officers went to muster their regiments, they found them sadly deficient; and when sent in search of the men, numbers of them refused to return, telling them they might shoot them if they chose, but they would not come back without meal. Not less than two thousand were absent from their army, inferior to Cumberland's, had every regiment been complete, and the officers expressed much unwillingness to set out; but Charles, who thought nothing impossible for highlanders, was bent upon it, and at the appointed hour issued his orders to march.

The royal camp was nearly twelve miles direct east from Culloden, and the ground between flat and muirish, with the river Nairn, running from west to east, along the south side; the road from Culloden to Nairn passed through the ground on the north, and the house of Kilraik or Kilravock stood near the road at nine miles distance. According to the proposed plan, the whole rebel army were to march in a body till they passed Kilravock, then the van, amounting to about one-third of the army, led by lord George Murray, was to have crossed the river Nairn, and marched along the south side, the remaining two-thirds continuing their route on the north till both reached

the hostile camp, when Murray was to descend from the south, while the other rushed in from the west, and sword in hand endeavour to sweep all before them. Some of the royal officers themselves afterwards declared, had it been properly carried into effect, the attack might have been to them extremely disastrous.

Agreeably to this arrangement, the highland army set out in two columns, or rather one long line, with a break in the middle, lord George Murray in front at the head of the Athol brigade, lord John Drummond in the rear of the first column, Charles and the duke of Perth towards the rear of the whole, and men acquainted with the country were distributed throughout the line as guides. Almost immediately the night grew very dark, and as they avoided the road and passed through deep and wet ground, the highlanders in front were grievously retarded by the foreigners in the rear—the French piquets,—who, sinking at every step, were unable to keep up with the march of the mountaineers. Before they reached Kilravock, the first column had been called upon fifty times to halt, and shortly after passing it at the small farm of Yellow Know, lord John Drummond, whose patience had been entirely exhausted by repeatedly whispering to lord George, at length burst out into angry expostulation with his lordship,—“Why will ye go on? there is a gap in the line half a mile long—the men wont come up.”\*

\* Lord George Murray's Letter. Home, chap. ix. Lockhart Papers, vol. ii. p. 509. Letter in the Lockhart Papers, vol. ii. p. 523, et seq. supposed to have been also written by lord George Murray. Lord George in his Letter to Hamilton of Bangor, omits lord John's expostulation, but says, “the duke of Perth, James, who was as keen as any man in the army, crossed the narrow road with his horse, and said it was impossible the line could join if I did not make a halt.” When halted, and when it was evident to the whole of the leaders that the scheme must be given up, lord George Murray took advantage of an equivocal message from Charles, and used his name as authorising a retreat, now become absolutely necessary; but there is every reason to believe that Charles did not intend to retreat, and that he was highly offended at it;—such certainly was the current opinion of the day. Lockhart Papers, vol. ii. p. 519. Johnstone's Memoirs, p. 174. Henderson's Hist:



A halt was immediately ordered, and the chiefs of the column proceeded to the front, when lord George put the question to them whether they thought it practicable to succeed in surprising the enemy? It was now two o'clock, the very latest hour at which the attack ought to have commenced, and they had only marched six miles; four still remained, several of the defiles through which they must pass were long and very narrow, and many of the men had left the ranks and lain down in the wood of Kilraick; it was palpable they could not advance more than two miles before daybreak, and for two miles at least they must march in the enemy's sight before they could come at them. All the principal officers agreed that the thing was impossible, and besides they were convinced they had not now half the men that had been drawn up the day before. Mr. Hepburn, one of the volunteers, said, that though it were daylight, the red coats would be drunk with solemnizing the duke's birth-day, but no one officer was of that opinion; they all agreed in the necessity of returning to Culloden, that the men might at least obtain some repose; a route which from deference to Charles, they adopted, instead of adhering to their own sounder opinion, and retiring to strong ground, where they might probably have obtained at least a few hours sleep without interruption.\*

Their return was accomplished with much more expedition than their advance, as they were under no necessity of making circuits to conceal their motions, and had besides the advantage of daylight; but the chevalier was highly enraged at the disappointment, and the men, who could not judge of its propriety, were extremely dissatisfied at having made so fatiguing an excursion for no purpose.

p. 320. This letter was written to a person who had himself been in the rebellion, and as these people wished always to throw a kind of sacredness around the character of the prince, lord George endeavoured to excuse his palpable imbecility even where he could not avoid insinuating blame. Johnstone, who had no such blind veneration for this wayward fragment of a weak family, asserted without hesitation his opinion of Charles, whom he roundly taxes both with pusillanimity and folly.

\* Lockhart Papers, vol. ii. p. 510.

Notwithstanding all their attempts at concealment, Cumberland had been completely apprised of their every motion by his spies, also highlanders, who mingled with the rebels and successively conveyed to him every necessary intelligence; he provided against an attack in front by placing the Argyleshire irregulars under colonel Campbell, afterwards duke of Argyle, in the plain considerably to the west of his camp, while a party of dragoons in advance beyond them, patrolled during night from the water of Nairn to the sea. That he only expected a morning attack is doubtful; it does not appear that he anticipated any movement from the south; but when he ordered his men to take some rest, he ordered them to lie down under arms. Whether he might have effectually prevented a surprise, if well conducted, must therefore remain a question: it is certain he too well improved the abortive endeavour, and the more egregious subsequent blunders of the rebel chiefs.

Exhausted with hunger and fatigue, the highlanders reached Culloden between five and six o'clock, where their necessities produced a temporary disorganization; numbers, overpowered with weariness and want, lay down in the parks, and at least one-third went off in search of provisions either to Inverness, or spread themselves over the country for several miles round; while the horse had been on such hard duty night and day since the thirteenth, that none of them were fit for patrolling. Charles and his officers, in their old quarters, had just partaken of some whisky and bread, and had gone to bed to rest for a little, when a lieutenant of Lochiel's, who had been left asleep about Kilravock, came running express with the intelligence that the duke of Cumberland was in full march.\*

\* The following sketch of the arrival of the unwelcome news at Inverness is evidently drawn from life. "As soon as we reached Culloden, I turned off as fast as I could to Inverness, when, eager to recruit my strength by a little sleep, I tore off my clothes, half asleep all the while; but when I had already one leg in the bed and was on the point of stretching myself between the sheets, what was my surprise to hear the drum beat to arms, and the trumpets of the picquet of Fitz-

All was in confusion among the insurgents. Orders were sent to recal the men who had gone to Inverness, to collect the stragglers, and to form the army upon Drumossie muir, about half a mile nearer Inverness than it had been formed the day before. At this last eventful moment, it was represented to Charles:—that his highlanders were not endued with supernatural strength; that they were worn out with their exertions, and widely dispersed; that many of them, buried in deep sleep in the neighbouring hamlets and inclosures, could not possibly be present; and that those who could, were unfit for any thing through the effects of the night march: lord George Murray once more entreated that they might be drawn off to the strong ground he had pointed out, which there was still time to reach, and enforced his proposal by the certainty of their being reinforced by Cluny, who was known to be advancing, and at no great distance, with his Macphersons. It was rejected as a cowardly expedient, it would look like avoiding an engagement! and the prince had now determined that no one in future should command his army but himself! He accordingly ordered Sullivan, his Irish counsellor, to make the disposition, who completed the business by creating dissension among the highland warriors upon a point of honour; when their every feeling, excited to its utmost intensity, and their whole strength, directed in its undivided force, would have left the issue doubtful.

The rebel force, consisting of about five thousand effective men, was drawn up, as at Falkirk, in two lines fronting the east. The first was composed of the highland clans, but the Macdonnells, who claimed the right of the line as their due,—a station which they averred they had held ever since the battle of Bannockburn,—were placed upon the left, and the Athole brigade had the post of honour; lord George Murray commanded the right, lord John Drummond the left. The second line consisting of the motely assortment

James sounding the call to boot and saddle, which struck me like a clap of thunder. I hurried on my clothes, my eyes half shut, and mounting a horse, I instantly repaired to our army.”—*Memoirs of the Rebellion*, p. 178.

of lowlanders, foreigners, some few highlanders, and the Irish picquets, was commanded by general Stapleton, having one troop of horse on the right and another on the left. The skeletons of lord Pitsligo's and Strathallan's horse, and of Kilmarnock's foot guards, were styled a reserve under the earl:—Charles himself, with a troop of horse guards, and one of Fitz-James's, took his station on a small eminence behind the right of the second line. The south flank was covered by the north wall of a large inclosure, which extended to the river Nairn; the left by a marsh: the cannon were placed in front.

About twelve o'clock the royal army, at least eight thousand strong, made their appearance, marching also in two lines, with cavalry on each flank, and a strong body of reserve. When within reach, the cannon of the rebels began to play, but so unskilfully were they pointed, that only one officer was wounded by their shot. The duke's artillery answered with dreadful precision; and the highlanders, impatient at seeing their relatives fall unrevenged around them, broke out from the centre of the first line, and rushed impetuously upon the enemy, the right following. Cumberland, expecting an attack, had during the cannonade thrown forward Wolfe's regiment, so as to take them in flank; and now the clansmen were received with grape and musketry in front, and a raking fire from Wolfe's, which thinned their ranks, and made them reel for a moment; but instantly recovering, they burst upon the enemy with their accustomed fury, broke through the first line, and pushed on to the second. There they were assailed with another shower of musketry, and another range of bayonets remained to be broken; the bristled rampart was assaulted with fierce but destructive desperation,—the bravest of the clansmen were laid dead upon the field, and the shattered remains of the right were forced to give way.

The Macdonnells on the left did not advance with the same alacrity, their wounded pride still rankled in their bosoms, but they went on obliquely with the Farquharsons, received the first fire of the regiments opposite them, which

they returned, and had drawn their swords for the charge; when perceiving that their right was repulsed, they also retired, yet not in such confusion as to invite an immediate pursuit. The terrible line of bayonets had destroyed the ranks of the swordsmen who rushed upon their points, yet it would have been dangerous, and might have been ruin, to have broken their phalanx and tried to pursue; they were therefore ordered to remain upon the ground, and some horse and dragoons were sent forward; the Irish picquets checked them by a well directed volley, and the Macdonnells fell back upon the second line. Still they were a formidable body, but their confidence was destroyed: the inclosure that protected their right had been broken down; they were threatened with part of the cavalry in their rear; Cumberland advanced with the infantry in front, and unable to meet the shock they separated. The entire clan regiments went off in a body toward the south, and were not followed; numbers in small straggling parties precipitately fled towards Inverness, whither the French and the picquets also withdrew; the cavalry from both flanks were then let loose upon them, and did murderous execution, strewing the roads with dead bodies till within a mile of the town. The duke following, was met by an offer to surrender from Stapleton on the part of the foreign troops, which was accepted upon honourable terms, and a party sent forward to take possession of the place and secure the prisoners.

Forced as the highlanders were to engage under an aggregation of the most cruel disadvantages, they did wonders; and the defeat at Culloden, decisive and final as it eventually proved, was neither so disgraceful nor so complete as either of those they had inflicted on the regulars; there is no comparison with regard to Preston; and the main bodies moved from the field in more threatening attitudes than did the royal army from the muir of Falkirk. The largest, comprising the western clans, who had always been the main dependance of the rebel host, retired in good order upon Badenoch, and the fastnesses of their native hills, whence the Macphersons were advancing; the smaller, which had scarcely been engaged, consisting of foreigners, or Scottish-

men and Irish in foreign service, surrendered nearly complete at Inverness. The victory was achieved with a loss of three hundred and twenty killed and wounded, among whom lord Robert Kerr fell, the only name of note.\* The loss of the vanquished was heavy, and included many of their chiefs. It has been stated from one to three thousand, perhaps a medium, fifteen hundred, may be near the truth :—as they were steadily received upon a rampart of bayonets, which cavalry cannot often penetrate, by men fresh for the combat, and the first rank of the attacking regiments, composed, as in all the clan regiments, of those who were considered gentlemen, fell where they fought; and as the dragoons, exasperated by the shame of their former disasters, took merciless vengeance upon the wearied, disheartened, and flying stragglers, the number could scarcely be less; yet from the amount of the body who assembled next day at Ruthven, and the list of prisoners, it could not greatly exceed what I suppose.†

Instances of affecting heroism illustrated the fall of several of the gallant deluded chieftains. When his MacDonalds refused to advance on the foe, Keppoch disdained to accompany their retreat; with his drawn sword in one hand, and his pistol in the other, continuing to advance, he fell struck by a musket ball; and a friend who followed besought him not to throw away his life, but return, as his

\* The marquis of Lothian's second son, a captain of grenadiers in Burrel's regiment, esteemed one of the handsomest and bravest officers in the army. In the attack he received one of the rebels on his spon-  
toon—a weapon somewhat similar to a halbert, carried by the officers at that time—and his company receding from the shock before he could recover, he was surrounded and cut to pieces.

† The return of ordnance and stores taken at and since the battle of Culloden state, firelocks 2320, broadswords and blades 199; all who drew the sword threw away the musket; now as all the arms found upon the field were brought to the duke, who gave one shilling for every broadsword, and two shillings and sixpence for every musket, the quantity confirms the supposition, that the number of rebels slain was greatly exaggerated. Indeed, the one party, from vain glory, and the other to excite hatred and revenge, had both inducements to over, rather than underrate the carnage upon that occasion.

wound was not mortal, and retire with his men; Keppoch answered, "take care of yourself," and making an effort to go on, received another shot, and fell to rise no more! Maclachlan, colonel of the united regiments of the Maclachlans and Macleans, being killed, Maclean of Drimnin, who succeeded to the command, in bringing off the shattered regiment, missed two of his sons, for he had three in the field, and returning with paternal anxiety to search for them, was himself carried off by a random shot. Lochiel advancing at the head of his regiment, had fired his pistol and was drawing his sword, when he dropped wounded in both ankles; instantly the two kindred, between whom he was fighting, raised and carried him in their arms to a place of safety.

When James at Flodden, with chivalrous phrenzy, threw away the flower of Scottish nobility, he expiated his folly by sharing the fate of his army;—Charles, who witnessed these acts of devotion, and who was contending for a crown, remained beyond the reach of musquetry; and when he saw the highlanders repulsed and flying, allowed general Sullivan to take hold of his horse by the bridle, and turn his head about from the scene of danger! Without accompanying the body of highlanders who remained together, "the Prince" went off with a number of horse, and crossing the river Nairn at the ford of Falie, three miles from the field of battle, halted. Now as desponding as he had been presumptuous, sinking all his high hopes in a base concern for personal safety, he directed the soldiers to repair to Ruthven and await his future orders, while he himself, attended only by a few of his favourites, preferred skulking obscurely among the mountains.\* With Sheri-

\* Johnstone mentions, "that some hours after the battle lord Elcho found him in a cabin beside the river Nairn, surrounded by Irish, and without a single Scotsman near him, in a state of complete dejection, without the least hopes of being able to re-establish his affairs, having given himself altogether up to the pernicious counsels of Sheridan and the other Irish, who governed him as they pleased, and abandoned every other project but that of escaping to France as soon as possible. Lord Elcho represented to him that this check was nothing, as was really the

dan, Sullivan, and Hay, he set out for Gortuleg, where lord Lovat was waiting the issue of a contest, on which he had staked his all. Various descriptions are given of this interview. When the old traitor heard that Charles was coming as a fugitive, he broke out with the most violent execrations against him as the ruin of his house; and when he entered, his first address to his prince was, according to one account, chop off my head! chop off my head! we are certainly undone! But others say that he recovered from this ebullition of frantic rage and disappointment, and with his wonted and habitual hypocrisy, approached the runaway with the greatest respect, knelt and kissed his hand; this is most likely, as Charles remained with him a considerable time, and partook of some refreshment.\*

Meanwhile Ruthven became the rallying point of the highlanders, and on the eighteenth, when Cluny joined, the number of the clans assembled were not much inferior to what they had mustered on the field of Culloden, but in much better condition; keen for renewing hostilities and taking their revenge, lord George Murray immediately ordered the passes to be guarded, and sent off a messenger to Charles to inform him of their situation, and of the wishes of the chiefs for his return to put himself at the head of his forces. His lordship's opinion of a summer campaign was,—that it could be made without running the risk of any great misfortune, the clans could march through the hills to places by ways that no regular troops could follow, who, if they ventured in or continued among the mountains, must encounter both difficulty and danger; their convoys would be cut off, and opportunities

case; and exerted himself to the utmost to persuade him to think only of rallying his army, putting himself at its head, and trying once more the fortune of war, as the disaster might be easily repaired; but he was insensible to all that his lordship could suggest, and utterly disregarded his advice." *Memoirs of the Rebellion*, p. 108.

\* Robert Fraser, who was present, says they embraced each other, and that lord Lovat made an apology for not having been personally with his clan. But the greater part of their conversation was in French, which he did not understand. *Lovat's Trial*, p. 46.



must offer where they could be attacked with an almost certainty of success. While the highlanders, though they had neither money nor magazines, could never be starved in that season of the year as long as there were sheep and cattle to be had. They could also separate into two or three different bodies, get meal for some days' provisions, meet again at a place appointed, and attack the enemy where least expected. They could march in three days what would take the regulars five, or ten, if they brought their baggage along with them; thus they might harass, fatigue, and distress them, till circumstances should alter, or succours from France might enable them to resume offensive operations. "All the highlanders," says one who was present, "were cheerful and full of spirits to a degree perhaps never before witnessed in an army so recently beaten, expecting every moment the arrival of the prince," when their courier returned with a letter "thanking them for their attachment to him and the bravery they had shown upon every occasion; but at the same time desiring them to do what they thought best for their own preservation till a more favourable opportunity of acting presented itself." This cold desponding message, heart-breaking to the brave men who had sacrificed themselves for him, and doubly galling when they now saw for what a heartless being they had forfeited their fortunes and lives, broke up their assemblage; and they separated in distraction with no prospect but to wander amid the darkened chimnies of their desolate habitations, to perish on the scaffold, or to languish in exile.\*

The royal army, immediately after the battle, marched direct to Inverness, where they were regaled with the provisions made ready to reward the rebels after a victory,†

\* Johnstone's *Memoirs*, p. 200, et seq. Home, chap. xi. Lockhart *Papers*, vol. ii. p. 545.

† It appears rather like a contradiction to boast of the quantity of provisions provided for the rebels and seized by the royal army, and at the same time to tell us that the rebels were forced to fight to avoid starvation; yet such were the statements of the victors. Lord George Murray's is more consistent.

The number of prisoners brought in amounted to nearly three hundred, among whom was the earl of Kilmarnock;\* and in the town, the jacobite heroines were seized in the act of preparing an entertainment for the rebel officers; lady Macintosh is said to have behaved with great unconcern when talking of the unexpected defeat, and coolly remarked, that there had been sad slaughter made of her regiment, for only three of her officers had escaped. But the apathy of the conqueror was yet more appalling, the wounded of the rebels were allowed to remain on the field without attention, and it was not till "a day or two after the battle," that "large detachments were sent out, who killed some and brought in several prisoners."†

Disasters seldom come alone; on the day preceding the fatal engagement, the forces under the earl of Cromarty in Sutherland, about five hundred, were dispersed by some independent companies near Golspie with great loss, and the earl and his son taken prisoners in Dunrobin castle. Not long after, the Grants, to the amount of some hundreds, joined the victor, and gave earnest of what the most intelligent of Charles' friends knew well that the clans who might remain neuter or disposed to favour, while there

\* The royal army in the pursuit took few prisoners, and, in order to justify their barbarous revenge, invented a story that Charles had issued orders for his troops to give no quarter. Besides, the pointed denial given by lords Kilmarnock and Balmarino, the thing itself carried internal marks of its falsehood, and never has been repeated since upon any respectable authority: but the question seems to have been argued among some of the rebel officers, whether as the royal officers who were taken prisoners and set free upon their parole, had not only in general broken it, but had been again restored to their rank in the army, in spite of this flagrant breach of honour—whether it would not have been proper to have put them to death upon their re-capture, to avoid fighting and conquering the same men over and over again—especially as the rebel officers who were taken prisoners were reserved for the gibbet? And certainly if refusing quarter, which the rebels never appear to have done, could have been justified in any case, it would have been in this instance.

† Letter from an officer in the army at Inverness to his friend in London.

serious reverse.

Some idea may be formed of the terror excited by the highlanders, from the extravagant rejoicings exhibited in celebration of their defeat. The writers of the day, those echoes of public opinion, could with difficulty find terms to express their admiration of the wonderful exploit, and of the amazing genius of the unrivalled warrior. "It is not in the power of words," remarks one, "to describe, or a volume to contain, the numberless instances of exultation, loyalty, and unfeigned acknowledgments of the people on this surprising and almost unexpected turn of affairs in their favour." "The joy," says another, upon publishing the news, "was as universal as the illuminations, the most splendid ever seen, were general and delightful, proving but one continual blaze; from London to the utmost boundary of the British dominions, nothing was to be seen but gladness for the great deliverance!" From every quarter, addresses, in the highest strain of congratulation to the king and adulation to the duke, were poured in, or as Henderson quaintly expresses it, "a run of addresses like the waves of the sea, justling out one another, crowded upon his majesty, congratulating him both upon the defeat of his enemies and the heroic part his son, the image of his virtues, had in suppressing that project!" The two houses of parliament, who happened to be sitting at the time, took the precedence, but the commons paid his royal highness the more grateful compliment of adding twenty-five thousand pounds per annum to his income.

Uncertain whether the rebels might not yet rally, the duke encamped his army at Inverness, but as the Frasers were the most obnoxious, he dispatched general Mordaunt with a detachment into their country, to destroy Castle-downie, the seat of their chief, and to carry off their cattle and provisions for the use of his soldiers. Upon ascertaining that the rendezvous at Ruthven had broken up, the Grants were sent to occupy the country of the Macintoshes, and the rest of the loyal clans were distributed in such a

manner as effectually to prevent their re-assembling, and to apprehend their most active and leading men. The prisons were soon crowded with the inferior orders, whose misfortune rather than crime it was to have swelled the ranks of rebellion, while those of higher station were conveyed to England by ship loads, to be tried; lest the compassion of their countrymen should prove more injurious to the course of justice than the antipathies and prejudices of an English jury. The fidelity of the clansmen, however, preserved the chiefs who were the principal objects of pursuit, and for some weeks the duke did not venture to separate or reduce his army, as rumours of a new gathering were industriously kept afloat.

Happily, the young pretender was as incapable by genius for the arduous and critical situation into which he had brought his retainers, as he was unfit by education to have filled the throne of a free people, to which he aspired. A valorous prince, who boasted the blood of a Bruce, would never have owed his safety to female courage or the disguise of a woman, as long as his presence could have brought into action six or eight thousand men, rendered desperate by their devotion to his cause. While lingering about Lochaber, a message from lord George Murray reached him, entreating him not to leave Scotland, but he returned for answer, that he was resolved to go to France, whence he hoped to return soon with a powerful reinforcement, which he had no doubt of obtaining. Within a few days assistance arrived, sufficient to buoy up the spirits of the chiefs, but not to recal courage to the prince.

Two French ships of war, thirty-two gun frigates, with arms, ammunition, and money, having escaped the British, unwillingly landed in the west about forty thousand pounds in gold, which was taken possession of by Murray the secretary, and the chiefs met in high spirits at the island of Mortlaig, where lord Lovat had been conveyed, to concert measures for the furtherance of the cause, and their mutual preservation. Lochiel, and his brother Dr. Cameron, Cluny, Glengary, Roy, Stuart, Barrisdale, and

command or procure within their respective interests or properties; appointed the various places for assembling, and engaged to each other to abide by their resolutions, for the interest of his royal highness, and the good of the country, accounted by them inseparable, to the last drop of their blood; and never to lay down their arms, or make a separate peace, without the general consent of the whole, and to look upon any one who should accept of terms for himself as a traitor, and treat him as an enemy. Lovat, consistent only in duplicity, although he agreed to the project, and promised for at least four hundred Frasers, would not sign the resolutions, as he said he was a "neutral man!" but desired Lochiel to engage for his son; he, however, accepted part of the money to maintain a guard, and the associates separated to prepare for a summer campaign.

An attempt at assembling was made, but the distribution of the king's troops rendered it impracticable; and Lochiel with the concurrence of secretary Murray, Barrisdale, and a few who met at Invermely, sent to the absent chiefs an official notice, informing them, "that considering their situation, it was thought both prudent and proper to disperse rather than to carry fire into their country, without a sufficient number, as was expected," and giving it as their opinion, "that their people should separate and keep themselves as safe as possible, and keep their arms: as they had great expectations of the French doing something for them, or until they could have their final resolutions as to what they were to do."\*

This hope of French aid, ever the curse of Scotland, proved so to the last; relying upon it, the highlanders attempted to play over again the same farce of a surrender as they did under the disarming act, in the year seventeen hundred and sixteen; and by concealing their weapons, and delivering up only some unserviceable muskets, drew down upon their heads a more severe military execution

\* Lochiel's Letters. Home's App. Lovat's Trial, p. 126, et seq.

than they might otherwise have been exposed to, while these secret caballings, with which the government were not unacquainted, afforded a pretext for continuing troops in the country, long after they would have been withdrawn.

Fear is one of the most merciless of the human passions, and the government had been too seriously alarmed by the progress of the rebellion, to admit of any tenderness in utterly suppressing it. Cumberland, too, whose personal interest was so nearly concerned in the security of the reigning family, had every inducement to act with vigour, nor did he fail; but from his being unacquainted with the genius of the Scottish church, or confounding it with that of England, which admits of the unholy alliance of magistrate and clergyman in the same person, he endeavoured to roll over on the presbyterian ministry the detestable service of informers; to their honour they almost to a man declined the vile office. When he first marched north, he issued a proclamation at Montrose, (Feb. 24th) requiring all persons who had been with the pretender, to deliver up their arms, and give in their names to the nearest magistrate or minister, on pain of being treated as rebels and traitors. But now, in consequence of the rebels who had gone to their homes retaining their arms, he issued a proclamation at Inverness, (May 1st) in virtue of a plenary power granted to him by his majesty—requiring all the sheriffs, magistrates, and justices of the peace to search for all persons who had been in arms against his majesty, who had not submitted to mercy, and to seize and secure all sorts of arms belonging to them, or that had belonged to them. In order to the more effectual execution of this service, the officers of the law were to take informations from the ministers of the gospel of the established church of Scotland, touching the behaviour of the inhabitants within their respective parishes; of the present haunts and places of abode of such rebels as might be lurking in their several neighbourhoods, and of all persons who had afforded them shelter; and the ministers were required to give all such information to the officers of the

seize the arms of the disaffected. Sensible of the invidious nature of the task, no direct application was made till after the sitting of the general assembly, who were induced to sanction as a body, conduct which none would consent to as individuals,—so little are either the collective wisdom or principles of mankind to be uniformly depended on.

At the appointed day [May 8th] the assembly met, but in the confusion of the times the duke of Newcastle had neglected to transmit the royal commission to the moderator; and the old question was agitated anew, whether the assembly could meet without his majesty's sanction? but there being no hostile feelings now between the parties, it was easily settled; the former moderator presided in the interim. The commission arrived two days after, but by another blunder it did not authorise the commissioner to act till the 16th: this difficulty also was as quietly got rid of,—the new moderator, John Lumsden, professor of king's college, Aberdeen, was chosen, and the court adjourned to the 16th, when the earl of Leven legalized the meeting in the king's name.

Some difficulty likewise occurred respecting the manner in which two of the chief offices of the church should be filled, which gave rise to very keen contests. Mr. Grant, solicitor-general, who held the offices of procurator for the church, and principal clerk to the assembly, being this year appointed king's advocate, and necessarily detained in London, made an attempt to exercise his offices by deputy; but it was resolved that they were both vacant, and they were now disjoined, the clerkship being bestowed upon a minister, principal Wishart, and the procuratory upon an advocate, Mr. David Dalrymple.

As was to be expected, they were not behind in their expressions of gratitude at the suppression of an insurrection which especially threatened their destruction. Their addresses both to his majesty and to the duke of Cumberland were however in more measured terms, and of course in better taste, than many of the others. Without any fulsome adulation, they proceeded to tell his grace, "That the gene-

ral assembly has met at this time in a state of peace and security exceeding our greatest hopes, is, under God, owing to his majesty's wisdom and goodness in sending your royal highness, and to your generous resolution in coming to be the deliverer of this church and nation; we might therefore be justly chargeable with ingratitude to the glorious instrument of divine providence, if we neglected to pay your royal highness our most humble and thankful acknowledgments for that happiness which we enjoy. Every loyal subject, every sincere lover of the religion, laws, and liberty of his country, is ready to express his just gratitude to your royal highness, by whom these inestimable blessings are preserved to us. The church of Scotland are under peculiar obligations to offer their most thankful acknowledgments to almighty God, who has raised you up to be the brave defender of your royal father's throne, the happy restorer of our peace, and at this time guardian of all our sacred and civil interests." The royal duke in his answer observed: "I owe it in justice to the venerable assembly to testify, that upon all occasions I have received from them professions of the most inviolable attachment to his majesty's person and government, of the warmest zeal for the religion and liberties of their country, and of the firmest persuasion that these blessings could not be preserved to the nation but by the support of his majesty's throne, of the succession in his royal family; and in support of the sincerity of their professions, I have always found them ready and forward to act in their several stations in all such affairs as they could be useful in, though often to their own great hazard; and of this I have not been wanting to give due notice from time to time to his majesty."

Together with the duke's answer, a copy of his proclamation for discovering the persons and arms of the rebels was presented, which the venerable court ordered to be read in all the churches. This act of assembly was by no means agreeable to a number of ministers, who expressed their disapprobation by giving it to their precentors to read; but a more odious requisition was put upon them by the



justice-clerk in the end of the month. A Mr. Lind sheriff-depute of Mid-Lothian, by his desire, sent to the ministers of the shire the following circular, dated May 30th:—"REVEREND SIR,—As you must be best acquainted with those in your parish who have not been concerned in this wicked and unnatural rebellion, that none of them from any unjust suspicions may suffer any hardships, I am ordered by the lord justice-clerk to desire you will make up lists of all those in your parish who have not been concerned in this rebellion, either by carrying arms or otherwise; including in that list not only residents of all ranks, but likewise heritors and liferenters though not residing. Send under my cover two several copies of such lists sealed up; one directed to the lord justice-clerk, another to the honourable sir Everard Fawkenner, secretary to his royal highness the duke of Cumberland. As you have lists of your parish, an answer will be expected in a few days.—(Signed) ALEXANDER LIND." What the depute had not the assurance to require in the body of the letter, he modestly hinted in a "P. S.—If it will be less trouble to you, you may send a list of those only in your parish who have been concerned in the rebellion, instead of those demanded."

The ministers returned Mr. Lind a polite but decided refusal. "We must be allowed," said they, "to express our concern, and look upon it as a misfortune, that any piece of service should have been desired of us by any officer of the law as useful for his majesty's government, which we have found impracticable; but it is no small comfort to us that the public thereby cannot suffer any real loss, as there are many more certain extensive and effectual methods of discovering in this city and suburbs, who have or have not been concerned in the rebellion, than by any lists we are capable to furnish; especially as we conceive it not proper to charge any person with a concern in the rebellion but from our personal knowledge:" and in their letter to sir Everard Fawkenner, they add, "that from private conversations with a great many in their several parishes, they were firmly persuaded of their good affection to his majesty's person and government, and that

loyalty was the prevailing character of the people of their persuasion, and under their care. An insidious reply from sir Everard suggested that private informations might be given him, and that such use should be made of them as would show the greatest regard to the persons from whom they came; but the ministers treated the hint with silent neglect, and afforded a noble contrast to the cruel unrelenting espionage of the curates, in the reign of Charles; for which they got neither gratitude nor credit from the jacobites, their cotemporaries, and which has been shamefully overlooked and forgotten, even by presbyterians in these later days!

Immediately after the dispersion at Ruthven, a number of the rebels showed a willingness to surrender; before the meeting of the chiefs at Invermeley, Clanranald's people had refused to rise, and a great number of Glengarry's had unreservedly delivered up their arms; and had a proper mixture of leniency with force been adopted, there can be no doubt but the highlands would have been effectually reduced to a state of quiet submission much sooner than it was, and the names of King James and Prince Charles would only have been remembered to be dispised. The president had hastened from Skye to enforce humanity in the day of triumph, as he had displayed courage in the hour of danger; but his advice, like the warnings of Cassandra, acknowledged as excellent, was unfortunately neglected, till called to recollection by regret.

The duke of Cumberland, as soon as there appeared no probability of the highlanders speedily re-assembling, adopted the harshest methods to prevent their ever being able to do so: half measures had been tried after the first rebellion, and had only left the means of a second insurrection; the strongest were now resorted to, and while it is to be regretted that they were accompanied, in some instances, with cruelty, it is not to be forgotten that they were forced upon government by the facility with which the highland chiefs had, upon the former occasion, professed submission and promised obedience, and the faithlessness they had shown in unprovokedly breaking their

Early in May, a cordon of troops was drawn around the rebel districts, lord Ancrum guarding the east, the earl of Sutherland the north, lord Fortrose the outlets to the isles, and general Campbell the west, while general Mordaunt, with a body of regulars, stationed at Perth, supplied the place of the Hessians, who were quickly ordered home. The means of escape being thus prevented, the earl of Loudon was sent with his highlanders to scour the country, to disperse and disarm the refractory, and to apprehend the lurking chiefs. This, in conjunction with a party of the king's troops, he did, and effectually prevented the second meeting of the chiefs. But the surrender of arms that followed was so completely in the spirit of Lochiel's instructions, that fresh parties were, towards the end of the month, despatched to enforce to the letter the duke's proclamation; and his royal highness repaired with his head quarters to Fort Augustus to superintend the punctual execution of his orders. The castles of the chiefs were burned, and their private property immediately applied to the use of the army,\* while the flocks and herds of their tenantry were driven away to the nearest market, or destroyed along with the dwellings of their unhappy owners upon the spot. Numerous families were in consequence exposed to all the miseries of houseless want, while the insulting victors revelled in the destruction or the appropriation of their property; exposed to the rapine and outrage of every petty officer, they experienced the wretchedness of a country subjected to military sway, upon which, for their misfortunes or crimes, a rude soldiery has been let loose. "We had," says the medical officer before quoted, "near twenty thousand head of cattle brought in, such as oxen, sheep, and goats, from the rebels, whose houses we also frequently plundered and burned, by parties sent out for them, and in search of the pretender, so

\* Lochiel destroyed his own to prevent its falling into the hands of the enemy. Lovat stood upon a hill, and saw his committed to the flames!

that great numbers of our men grew rich by their share in the spoil, which was bought by the lump by jockies and farmers from Yorkshire and the south of Scotland. The money was divided among the men, and few common soldiers were without horses. Gold was also as common among numbers as is commonly copper at other times; but firing was a great scarcity, and much wanted, the weather being so cold and wet, that we were obliged to pull down many houses for firing, and frequently part of that we lived in, being made of peat and sticks, to supply us when the others were burnt up.”\*

The sufferings of the poor highlanders were in many instances severe, and such is ever the case of suppressed rebellion, but they were short, and they were put an end to by the civil power; a circumstance indicative of the excellence and vigour of the British constitution at the time when a decision of the court of session was sufficient to restrain the excesses of military licence, and reduce the soldier to the rank of the citizen.† But “the prince,” Charles Edward Stuart, the failure of whose attempt to overturn that constitution, and re-establish despotism, was the cause of all these sufferings, was himself wandering an outcast fugitive, an object of pity, amid the wretchedness he had occasioned; and like his grandfather, after having raised a storm, with which he was unable to contend, was meanly sneaking off from the consequences, and leaving his friends to brave its fury. Clanranald,

\* The quantity of provisions destroyed or sold fully justified the opinion of those who asserted the practicability of maintaining a mountain warfare for at least some time.

† The real jacobites of former, and their maukish sentimental admirers of later times, dwell with affected lamentation upon the scenes of cruelty committed by the royal troops in the highlands for a few months, —the almost unavoidable consequences of an unprovoked and alarming insurrection, in favour of a forfeited family, having been put down by force: but they turn away from the twenty-eight years of desolation which the whole south-west of Scotland experienced from a former restoration of that same family, and which rendered it necessary that they and their adherents should for ever be excluded from a government, they had invariably perverted.

Murray, who had been the first to join him, and who had staked and lost his all for him, concurred, with his other adherents, in earnestly entreating Charles not to leave Scotland, nor desert, in their extremity, the persons who had assisted him in his; he offered to build several huts in different woods for his accommodation and change of quarters, while he himself, with some chosen friends, would explore the isles, and if necessary, procure a vessel to transport him to France; young Lockhart of Carnwath also joined, but his fears were too strong, and he insisted upon being carried to the isles. In a boat belonging to Borrodale he sailed from the same spot where he had landed nine months before, and where he now left those who had been the dupes of his madness, to reap the fruits of their folly, taking along with him his favourites Sullivan, Macdonald a priest, and one or two other attendants.

A tempest drove them into the small island of Benbecula, where for three days they subsisted on oatmeal and water, in a hut that could scarcely afford them protection from the weather. On leaving it, they wandered in uncertainty, the sport of accidents and of the elements, at one time nearly escaping being betrayed by the drunken indiscretion of his pilot, and at another, missing the finest opportunity of escape, through the timidity of the boatman,—who refused to put off to the French frigates, which had been sent expressly to the assistance of Charles,—till forced again back to Benbecula. Thence he was conveyed by old Clanranald and his lady to the Forest-house,\* a temporary dwelling in South Uist, as a place of greater security, where, in case of alarm, he could either betake himself to the hills, or to the sea, guides

\* “The prince’s small retinue in the house in the forest in the isle of south Uist, were colonel O’Sullivan, captain Allan, M’Donald the Priest, and captain O’Neal, the two Rories, and Alexanders, and John Macdonalds, all formerly officers in his royal highness’s service in Clanranald’s regiment, with a dozen other sturdy clever fellows that served as guards for despatches.”—Glenaladale’s journal.

being provided if he fled among the mountains, and a boat ready, if he required the ocean, while scouts were placed in all directions to procure intelligence. Here the young pretender, with that careless insensibility which distinguished the second Charles, for some weeks forgot his own mischance, and the cruel fate of his friends, in pursuing the deer, or in shooting the wild fowl, with which the island abounded, till he had himself almost been enclosed in the toils of the hunters.

South Uist forms one of a groupe or chain of islands stretching about one hundred and thirty miles from south to north, and comprehending besides, Barra, Benbecula, North Uist, Harries, and Lewis, which when seen from either of these points, appear as one, and are known by the name of Long Island. General Campbell, who had gone to the farthest Kilda with an expedition,—some sloops of war, and a party of troops,—in search of the fugitive, learning, upon his return, that he had not got away, and suspecting that he might be still lurking in the long island, landed at Barra, determined to make a complete search from south to north. Commencing with Barra, he proceeded to South Uist, where he found a strong detachment of regular troops, and the Macdonalds and Macleods of Skye, upon the same scent. The coasts were surrounded by vessels of war of every description, from cutters to forty gun ships: guards were posted at the ferries, every boat was taken possession of, and no person allowed to leave the island without a passport. From this hopeless dilemma, Charles was extricated by the intrepid compassion of a female, Flora Macdonald. Her father, Macdonald of Milnton, South Uist, had been sometime dead, and her mother was married to Macdonald of Armidale in Skye, then in Uist, and eldest captain of the Macdonalds from Skye. Flora, a relation of the Clanranald family, who resided on the island with her brother, being—when on a visit to lady Clanranald,—introduced to Charles, her pity for his forlorn condition overcame every sense of danger, and she consented to undertake the perilous office of conveying him from the island to Skye. With the assist-

ance of lady Clanranald, she got him equipped as Betty Burke, and procured a passport from her father-in-law for him as her servant, and recommending him to his wife as an “excellent spinster of flax;”<sup>\*</sup> she likewise obtained an open boat, with six rowers.

Having prepared every thing on the night before their departure, accompanied by lady Clanranald, she met Charles in his female garb, attended by O’Niel, on the sea shore, about a mile distant from Clanranald’s house; and they were partaking of a supper that lady had provided, when a messenger arrived with intelligence that general Campbell, with captain Ferguson of the navy, were at the house in search of the “prince.” Lady Clanranald instantly returned home to entertain her unwelcome guests; and the small party she had left, on the appearance of four armed cutters, dispersed among the rocks. Next morning, the weather proving calm and serene, Charles, parting with all attendants, proceeded, in his new capacity of maid, with Miss Flora, for Skye. As they passed the point of Vaternish, a party of the Macleod militia observing the boat, ran to the shore, and levelling their guns, ordered them to land, but the tide being out, they got beyond their reach; and they could not launch any boat to pursue. They landed at Mugstole, the seat of sir Alexander Macdonald, who was absent with the duke of Cumberland, while a number of the royal officers were in his house. Flora dined with lady Margaret, and his majesty’s servants; her maid was consigned to the care of Kingsburgh, sir Alexander’s factor; with him he lodged that night, and on the next day, having re-assumed his proper dress, he parted from his fair protectress at Portrie, and passed over to Raasay.

<sup>\*</sup> Narrative of Flora Macdonald.—Home’s Appendix, No. 45. “Lady Clanranald dressed up the prince in his new habit, not without some mirth and railery passing amidst all their distress and perplexity, and a mixture of tears and smiles. The dress was on purpose coarse and homely, suited to the station of the wearer, viz. a calico gown, with a light coloured petticoat, a mantle of dun camelot, made after the Irish fashion, with a hood joined to it.”—Account of the pretender’s escape. Lockhart’s papers, vol. ii. p. 545.

After many hazardous wanderings among the islands, he again sought the mainland; sailing up Lochnevis, he debarked at Morar, and found a melancholy refuge with the laird, whose house had been burned, and his cattle driven by the troops. In Clanranald's country, where the smoking ashes of deserted habitations announced the curse that accompanied his friendship, he was welcomed by Macdonald of Borrodale, to a small hut in a wood, where he rested three days; the house in which he first was acknowledged as a prince, now a blackened ruin, reminding him of the mischief he had occasioned, and the scanty fare he shared with its owner, of the poverty to which he had reduced his adherents. The west coast is deeply indented with arms of the sea; and it was soon learned that Charles was traversing the promontories, which these have carved out,—for they were watched now with a care proportioned to the neglect that had rendered them before so accessible to the adventurer,—and a line of posts was traced from Loch-huran to Lochshiel, whose sentinels were so near, that during the day it was impossible to pass; and when it grew dark, fires kindled at each, shed a stream of light along the whole boundary, that rendered it even more difficult to elude the watches. Again Charles appeared completely hemmed in, with even less chance of escape than at Uist; but Macdonald of Glenaladale, and another Macdonald, an officer in the French service, who came to him at Borrodale, and Cameron of Glenpean, whom they met afterwards, adroitly relieved him; they observed that the sentinels, in passing between the fires, after they crossed, marched for a time with their backs to each other, when a person might get through unobserved; taking advantage of this circumstance, and creeping along the channel of a small brook that run between two of the posts, the small party got safely beyond.

The west highlands proving too hot, Charles directed his course towards Ross-shire, and in his progress experienced a most remarkable escape. Having set out with his friends from one of their resting places late in the evening, when they had



containing their all, and returned with another acquaintance to search for it, luckily they recovered both it and its valuable contents from a boy who had found them; but this was not the most fortunate circumstance; while they were absent, Charles retired to a little distance to wait their return, and during this time, an officer and some armed soldiers, passed along the road they had quitted, who, but for this incident, must have met, and made them prisoners.

Among the northern mountaineers, blind devotion to the house of Stuart was by no means universal; an incident in the Macrao's district warned Charles to beware how he trusted his person to them. Christopher, one of the tribe, was induced by Glenaladale to afford him and his famished followers, under the name of Clanranald and his brother, some food, and a night's lodgings, for a high pecuniary consideration; at table, the conversation turning on the rebellion, the petty chieftain exclaimed against the clans who had risen in support of the pretender, and inveighed against those who still afforded him protection, "as madmen and fools, who ought rather to relieve themselves and their country from distress, by delivering him up, and accepting the reward!" These common place business-like sentiments suiting ill with the romantic situation of the adventurer and his chivalrous companions, they reverted to the south; a Macdonald directed them to the hill of Corambian, between Kintail and Glenmoriston, where seven determined reavers, some of whom had been in the rebel army, abode in a cave, with whom the prince might reside in safety till some more eligible place of residence occurred; and as he wished to be near Lochiel and Cluny, who had charge of his treasure, which the French vessels had left, he was anxious to get nearer Lochaber and Badenoch, where he knew they were hiding.

In his wanderings, Charles and his companions had often been exposed to the inclemency of the weather, without shelter, and often without food; sometimes sleeping on the sides of hills, or among the woods, and sometimes in the

sheelings and sheep cots, which the soldiers had not thought worth destroying. He spent the evening before he reached his new friends in an open cave, where he could neither lean nor sleep, being wet to the skin with the rain that had fallen all that day, and where, without fuel to make a fire, he could only warm himself by smoking a pipe. Glenaladale went first to the cavern, where he found six of the men most opportunely employed dining upon a sheep they had killed; and expressing his happiness to see them so well employed, was invited to take a share. When he told them he had a friend for whom he must beg the same favour,—young Clanranald; they replied, “nobody could be more welcome, they would purchase food for him at the point of their swords.” Glenaladale then introduced Charles as his friend, but being immediately recognised by the banditti, he was received with that respect which belonged to the situation in which they had seen him, though his appearance, as afterwards described by one of themselves, had at the time nothing very princely or attractive about it. He was dressed in a short coat of dark-coloured cloth, a ragged tartan waistcoat, a tolerable belted plaid, tartan hose, and brogues in tatters; his neckcloth was a dirty clouted handkerchief, and his shirt was like saffron; an old bonnet, and a wretched yellow wig, completed his regalia. The robbers, however, soon found him change of linen; a detachment of troops passing at no great distance, they fired upon the servants, who lingered in the rear considerably behind the soldiers, and who fleeing, left some officers’ portmanteaus at their discretion, from which they procured what their prince wanted.\*

\* To this story Mr. Home appends the following note: “Charles staid in the cave five weeks and three days; during this long abode, either thinking he would be safer with gentlemen than with common fellows of a loose character, or desirous of better company, he told Glenaladale that he intended to put himself into the hands of some of the neighbouring gentlemen; and desired him to inquire at them and learn who was the most proper person for him to apply to. Glenaladale talking with the highlanders about the gentlemen in their neighbourhood, and inquiring into their character, they guessed from his questions what was the intention of Charles; and conjured him to dissuade the prince

Henceforth, the adventurer continued to wander, surrounded by peril, till, upon the return of Cumberland to England, the strictness of the search was discontinued, in consequence, as supposed of an incident, not the least remarkable, attending the fate of Charles. A Mr. Mackenzie of Edinburgh, who had been in his life guards, and somewhat resembled him in figure and face, was shot by one of the parties sent out to search for his master, and either from some exclamation when falling, or from this similarity of appearance, being mistaken for him, his head was cut off, and presented, it is said, to the duke as that of the unfortunate pretender, and by him carried in triumph to

from it, saying, that no reward could be any temptation to them, for if they betrayed their prince, they must leave their country, as nobody would speak to them except to curse them, whereas L.30,000 was a great reward to a poor gentleman, who could go to Edinburgh or London with his money, where he would find people enough to live with him and eat his meat and drink his wine."—Hist. of the Rebel. p. 256.

General Stewart incorporates this anecdote in his Sketches, vol. i. p. 64. as an indubitable proof of the general feeling of honour and standard of public virtue in the country; which formed the surest pledge of the conduct of individuals. For my own part, I consider it as a palpable example of that exaggeration or that fine poetical genius, or by whatever name it may be called, of the highlanders, which renders it necessary to be ever on our guard in giving credit to what they tell us as well authenticated facts, and as the traditionary belief of the country, when they tend to exalt the Celtic character or redound to the honour of the Gael. I doubt much if ever one of these gentry heard that a reward was offered for the apprehension of Charles; if they had, and I had been his counsellor, I should have desired him to be as cautious with regard to them as to Christopher Macraw. Glenaladale, one of the party, has left in his journal an account of this transaction, with the dates, which show that Charles was only three days in the cave, from July 30th to August 2d; had such an expression of disinterested generosity and high-toned feeling occurred among such men, it is not likely he would have passed it over in silence, especially as it would have harmonized so delightfully with the rest of the picture:—"These new guides conducted the prince to his cave, where, having eaten something, he was soon lulled asleep with the sweet murmurs of a gliding stream that ran through the grotto fast by his bedside. In this romantic situation, the prince staid three days." "August the second, they removed their quarters," &c.—Lockhart Papers, vol. ii. p. 557.

London, as an appropriate finale to the barbarities that had been inflicted in the highlands on his account.\*

\* The story is thus told by Johnstone: "Mackenzie happened to be in a cabin with the prince and two or three other persons, when all of a sudden, they received information that they were surrounded by detachments of English troops advancing from every point, as if they had received positive information that the prince was in this cabin. The prince was asleep at this moment, and was awakened for the purpose of being informed of his melancholy fate, namely, that it was morally impossible for him to save his life. He answered, then we must die like brave men with our swords in our hands. No, my prince, replied Mackenzie, resources still remain, I will take your name and face one of these detachments. I know what my fate will be; but while I keep it employed, your royal highness will have time to escape. Mackenzie darted forward with fury, sword in hand, against a detachment of fifty men, and on falling, covered with wounds, he exclaimed aloud, "you know not what you have done! I am your prince, whom you have killed!" After which he instantly expired. This I take to be another instance of the little reliance that can be placed upon the correctness of any tradition, even when strong and apparently well supported, particularly if highland or jacobite. That Mackenzie was killed, and his head taken to London, seems pretty well authenticated; but the circumstances and devoted loyalty of his death are more dubious, as well as the fact of the duke of Cumberland being the carrier. In the *Caledonian Mercury* of May 15, 1815, the death is given with some variations from the above, and Mackenzie is said to have been a north country gentleman. General Stewart tells the whole story with more material discrepancies, he says, "The young gentleman at different times endeavoured to direct the attention of the troops in pursuit of the fugitive prince to an opposite quarter of the mountains to that in which he knew Charles Edward was concealed after the battle of Culloden. This he effected by showing his person in such a way as that he could be seen, and then escaping by the passes or woods, through which he could not be followed. On one occasion he unexpectedly met with a party of troops, and immediately retired, intimating by his manner as he fled, that he was the object of their search; but his usual good fortune forsook him. The soldiers pursued with eagerness, anxious to secure the promised reward of £30,000. Mackenzie was overtaken and shot, exclaiming as he fell, 'Villains, you have killed your prince!' and it was not till the head was produced at the next garrison, for the purpose of claiming the reward, that the mistake was discovered."—*Sketches*, vol. i. p. 61-2. The writer in the *Caledonian Mercury* says, that the head was shown and discovered in Edinburgh by a Robert Morison, the prince's barber; in a note to Johnstone's *Memoirs*, we are told, "Mr. Young, on seeing this paragraph, sent for Mr. Robert Morison, architect in Edinburgh, the son of

view, which under the guidance of Cluny, was conducted to a wood at the foot of Locharkaig, whence notice was conveyed to Lochiel, who, with Cluny Macpherson, was in hiding at some distance on Benalder—a hill of great circumference in that part of Badenoch, next to Rannoch,—and crossing the loch to Auchnacarry, remained there till he received a message informing him that Cluny would come to him and conduct him to their asylum; which they considered the safest he would find, till the vessels arrived that he expected at Lochna-naugh to convey him to France. With his usual impatience, without waiting for Cluny, he instantly set out with guides for Badenoch, accompanied by M'Donald of Lochgarry, Dr. Cameron, and two servants, leaving him to follow as he might. On approaching Mellanair, a small sheeling where Lochiel lodged at the time, his friends had very nearly finished his wanderings; when that chief perceived five armed men approaching, he supposed they were a party in search of him, and as his lameness precluded the idea of flying, he resolved to receive the enemy with a general discharge of all his musketry. His companions were accordingly arranged under cover with their pieces loaded and levelled, when they discovered that it

the above mentioned Robert Morison, who after reading it, informed him that it was his uncle Robert Morison, and not his father, to whom Mr. Mackenzie's head was shown, and that Richard was the prince's body servant, and dressed and shaved him. He was taken prisoner after the battle of Culloden, carried to Carlisle, and there condemned, but conveyed to London to view Mr. Mackenzie's head, and promised a pardon if he would declare the truth. He did declare the truth, and was pardoned accordingly."—*Memoirs of the Rebellion*, 219-20, Note.

The chevalier's narrative throughout, evinces the extreme danger in historical writing, of trusting to the records of memory for an accurate relation of events in which the relations themselves have been engaged, if they have not been noted down at the time; but it is, notwithstanding, valuable for much information, particularly for the insight he gives us into the characters of that party with whom he acted. The notes are judicious.

I have given the tale as in the text with hesitation, and perhaps might have been excused had I omitted it altogether.

was their prince they were in the act of conspiring against. A joyful welcome was given to Charles and his attendants, who were plentifully regaled from a better stocked larder than his highness had lately been accustomed to.\*

Two days after, Cluny arrived, and the party removed to a very peculiar habitation prepared by him, called the Cage, and of which he dictated and left the following description:—  
“ It was situated in the face of a very rough high and rocky mountain, called Lillernilichk, still a part of Benalder, full of great stones and crevices, and some scattered wood interspersed. The habitation called the Cage, within the face of that mountain, was within a small thick bush of wood; there were first some rows of trees laid down, in order to level a floor; and as the place was steep, this raised the lower side to an equal height with the other, and these trees, in the way of joists or planks, were levelled with earth and gravel. There were betwixt the trees, growing naturally on their own roots, some stakes fixed in the earth, which, with the trees, were interwoven with ropes, made of heath and birch twigs, up to the top of the cage, it being of a round or rather oval shape, and the whole thatched and covered over with fog. This whole fabric, hung as it were by a huge tree, which reclined from the one end, all along the roof to the other, and which gave it the name of the Cage; and by chance there happened to be two stones at a small distance from one another, in the side next the precipice resembling the pillars of a chimney, where the fire was placed. The smoke had its vent out here all along the face of the rock, which was so much of the same colour, that one could discover no difference in the clearest day.

• “ There was plenty of mutton, an anker of whisky containing twenty Scots pints, some good beef sausages made the year before, with plenty of butter and cheese, besides a large well-cured bacon ham. Upon his entry, the prince took a hearty dram, which he sometimes called for thereafter to drink the healths of their friends. When some minced collops were dressed with butter in a large saucepan, which Lochiel and Cluny always carried about with them, being the only fire vessel they had, his royal highness ate heartily, and said with a very cheerful countenance, “ Now! gentlemen I live like a prince.”

... some of whom were frequently employed in playing at cards, one idle looking on, one baking, and another firing bread and cooking."

In this strange habitation, Charles resided till the thirteenth September, when he received information of the arrival of two French vessels at Lochnanaugh, and instantly set out, attended by Lochiel, Roy Stuart, and Lochgarry, travelling by night, and resting by day. They arrived at Borrodale on the nineteenth, where about a hundred of his unfortunate adherents embarked along with him on board the *Happy Privateer* of Morlaix, a vessel belonging to Walsh,\* who originally fitted him out for his adventure. He next day set sail, from the spot where he had first landed, and being favoured by a fog, arrived safely in France; after having astonished Europe by the temerity with which he commenced his enterprise, and disappointed his friends by the pusillanimity with which he gave it up.†

The balance of the money which had come from France, and which he could not carry away, was left in Scotland, with strict injunctions, that not one farthing should be touched without his orders; a few trifling sums he desired to be given to some of the sufferers by a note sent Cluny before he finally departed,—but he had not the justice to cause it be distributed among the generous though infatuated preservers of his life, who could have purchased their own pardon, and gained thirty thousand pounds by discovering him! ‡

A pitiable fate attended the partizans of his family,

\* Henderson says, the owner of the vessel was an Irishman,—Johnstone that his name was Mr. Welsh of Nantes.—*Mem.* p. 210.

† Chevalier Johnstone thus sums up the matter, "All that we can say is, that this prince entered on his expedition rashly and without foreseeing the personal dangers to which he was about to expose himself; that in carrying it on, he always took care not to expose his person to the fire of the enemy; and that he abandoned it at a time when he had a thousand times more reason to hope for success than when he left Paris to undertake it.—*Memoirs of the Rebellion*, p. 211.

‡ He had afterwards the ineffable meanness to send for the money for his own personal use.—*Vide appendix.*

against the religion and liberty of their country, those estates their ancestors had acquired by the ruin, confiscation, and murder of its noblest defenders. Although the highlanders, while in arms, were not renowned for their respect to the rights of property, nor their regard for human life, yet their expedition, except in the field, had neither been tracked by rapine nor blood. And the nation in general was, in consequence, more inclined to disapprove than to second the severity of government. The peculiar customs of the mountains preserved their chiefs among the hills, the common sympathies of our nature assisted their escape when they left them: many of the leading men got away from the coast of Fife, and the northern ports, to the continent, and others were concealed in various quarters till the danger was past.

Of the more distinguished prisoners, Kilmarnock was taken at Culloden, Balmerino shortly after, and with the earl of Cromarty and lord Macleod, sent to London early in May. The marquis of Tullibardine, flying to the west, found himself unable to proceed, and delivered himself up to Buchanan of Drummikill, and was also sent to London, where he died in the Tower in the month of July that same year, dissuading his friends with his last breath from ever undertaking the hopeless project of another Stuart restoration. The duke of Perth got on board a French ship on the west coast, but, broken down with disease, fatigue, and chagrin, he sunk under the complication, before he reached land. Stirling of Keir with his son, and Stirling of Craighennet were taken out of a Dutch ship in the Clyde, and committed to Dunbarton castle, but the two latter contrived to effect their escape. Murray, the secretary, incapable, from indisposition, to endure the fatigue of lurking among the hills



Dreadful as the mutual animosities of intestine warfare are in the field, or the devastations of the triumphant party in the hour of victory, yet neither, although productive of much more extensive misery, awaken such sentiments of horror or of compassion, as the deliberate executions that usually await its close, and the sufferings of the impoverished exiles that follow, even when convinced of their necessity and justice. Preparatory to this consummation, in the month of February, after the march of the army north had re-assured the government, and promised success to the royal party, the rebel officers, taken at Carlisle, were carried to London; and in the month of March, an act

\* Lovat, with his servants and a guard of resolute well-armed men, had retired into an island in Lochmorar, a fresh water lake, twelve miles in length, and somewhat more than a mile distant from the next sea coast. In this pleasant little island, his lordship lived with Macdonald of Morar the proprietor, bishop Hugh Macdonald the pope's apostolical vicar of Scotland, Dr. Macdonald, and several others of that family. Here they deemed themselves perfectly secure, having brought all the boats on the lake to their island; but a party of three hundred men being landed from some men of war on the coast, under captain Ferguson, R. N. and two captains Campbell of the regulars, performed a difficult and dangerous march of nine miles over inconceivably rugged rocks, where oftentimes but one man abreast could clamber; on arriving at Loch Morar, the others insultingly fired at them, and called them the most opprobrious names. This exultation, however, was quickly at an end, for the king's ship having sailed round to that part of the coast where the land was not a mile across, the sailors carried their boats to the loch; immediately the rebels lost courage, when they perceived them moving over land, and suddenly taking to their own craft, all escaped except Dr. Macdonald, who was caught and brought back. The bishop's house and chapel were quickly gutted, the sailors merrily adorning themselves with the sacred vestments. Upon examination, it was concluded that Lovat could not have accompanied the others on account of his lameness, and after a strict search he was found lying between two feather beds not far from the side of the lake; and unable to resist, he surrendered his arms and strong box to captain Campbell. His lordship was put into a boat, and rowed down the lake; at the lower end of which the sailors "made a run with him" overland to the sea side; the pipers all the while playing Lord Lovat's March!—Letter to the duke of Newcastle on the danger of popery and disaffection. Lond.—Scots Mag. 1747, p. 614.

was passed, authorising the trial of all prisoners in custody, or that might be apprehended for rebellion, before a commission of Oyer and Terminer, in such counties and shires of the realm as should be assigned by the king's commission, under the great seal. When Culloden had insured, and the flight of the pretender had stamped the fate of his adherents, the first sweeping measure of punishment was meted out to the vanquished in a bill of attainder, which passed against the earl of Kellie, viscount Strathallan, lords Pitsligo, George Murray, the duke of Perth, Lochiel, and about forty of the chiefs; to take effect, if they did not surrender themselves for trial before the 12th July, but with no promise of pardon if they did. In June, the court of France, through the medium of the Dutch ambassador, endeavoured to persuade the British, that lenient measures towards the defeated insurgents would reflect more honour, and give greater stability to the family on the throne, than harsh and vindictive; but the insulting interference, as the British minister termed it, only narrowed the avenues of mercy.

On the fifteenth of July the trials commenced at the court-house, St. Margaret's hill, Southwark, with the officers of the Manchester regiment; eighteen were put to the bar, seventeen were found guilty, and on the thirtieth, Townly, their colonel, and other eight, suffered on Kennington-common the barbarous infliction of their sentence, in all its disgusting horrors. Among them was James Dawson, who, in a youthful frolic, had left college, and dreading censure for his indiscretion, joined the rebels; great interest was made to procure his pardon; and the day of his deliverance was to have been the day of his marriage with an accomplished and lovely young lady of fortune, to whom he had been long tenderly attached; but the intercession was vain; and his betrothed, who could not be dissuaded from seeing him die, only witnessed her lover's heart committed to the flames, when her own broke.\*

\* Shentone has commemorated the circumstance in one of his tenderest ballads.

Kilmarnock, Cromarty, and Balmerino, against whom bills of indictment had been found, by the grand jury of Surrey, were tried, on the twenty-eight, in Westminster hall, by their peers, lord chancellor, Hardwick, being appointed lord high steward for the occasion; the two first pleaded guilty, and threw themselves on the king's mercy. Balmerino, when his indictment was read, asked the lord high steward if it would be of service to him to prove that he was not present at the siege of Carlisle, from which place he was distant ten miles at the time specified in the indictment? His grace answered, it might or might not, according to circumstances; but observed, it was contrary to form for a prisoner to ask any questions before he pleaded; and desired him to plead. Balmerino, unacquainted with English forms, answered, he was pleading as well as he could; but on the steward explaining the meaning of the term, pled not guilty. The court was then addressed by the king's council, and a few witnesses examined, who proved that his lordship entered Carlisle at the head of a regiment of horse, called Elphinstone's, with his sword drawn, but not on the day specified in the indictment. When his lordship stated his objection, which in his native land would have been fatal to the charge, the English judges declared, as to the overt act, it was immaterial, as other facts were proved beyond contradiction; and the accused, who was sensible that it would have been merely a legal evasion, acquiesced. He was then unanimously found guilty, and sent back to the Tower with his companions in misfortune, the chief gaoler carrying the axe, which he had brought covered, now with its edge turned towards their lordships.

On the thirtieth, the prisoners were again brought to the bar, and being asked individually if there were any reasons why judgment of death should not pass upon them? Kilmarnock, in a pathetic speech, pled the unshaken loyalty of his ancestors, and his own till the fatal hour of his seduction, after the battle of Preston; alleging his little activity in the service of the pretender, even after he had joined the rebel army, and the many instances of kind-

ness he had shown towards the king's troops when prisoners, and to the sick and wounded ; and added, what he afterwards retracted as untrue, that his surrender was voluntary ; that though he might have escaped after capture, yet he rather chose to throw himself upon his majesty's clemency than into the arms of a foreign power. Cromarty also urged his previous loyalty, and his after remorse ; but he chiefly appealed to the feelings of the house :—" I have involved," said he, with tears, " an affectionate wife, with an unborn infant, as parties of my guilt, to share its penalties ; I have involved my eldest son, whose infancy, and regard to his parents, hurried him down the stream of rebellion ; I have involved also eight innocent children, who must feel their parent's punishment before they know his guilt. Let them, my lords, be pledges to his majesty ; let them be pledges to your lordships ; let them be pledges to my country for mercy ! Let the silent eloquence of their grief and tears ; let the powerful language of innocent nature supply my want of eloquence and persuasion : let me enjoy mercy, but no longer than I deserve it, and let me no longer enjoy life than I shall use it to deface the crime I have been guilty of !"

Balmerino, with resolute consistency, disdained to sue for mercy ; but he objected to the legality of his being tried in the county of Surrey for a crime said to be committed at Carlisle, and to the operation of an *ex post facto* law, which he contended could have in justice no retrospect, and desired to be allowed council ; on which the earl of Bath asked, if the noble lord at the bar had any council allowed him ? Balmerino replied, other defences that had occurred to himself or his solicitor having been laid before a counsellor, and by him judged trifling, he did not choose to give the court needless trouble ; and the above objection had only been communicated to him an hour or two before he had been brought into court. The duke of Newcastle proposed that the king's council should answer that objection immediately, but this being opposed, after some debate, counsel was allowed, and the court adjourned to the first of August ; when the prisoners being again brought to the

bar, his lordship withdrew his objection, his council having satisfied him that it could be of no service, apologizing for his having troubled the court about the matter, which he said he would not have done, had he not been persuaded it was well grounded. The lord high steward then addressed the noble prisoners, and pronounced upon them the usual sentence of traitors.

Kilmarnock and Cromarty immediately presented petitions to every quarter where it was thought they would be availing, but the latter only was successful ; and for this he was greatly indebted to his lady, whose delicate situation rendered her a powerful suppliant. In deep mourning, accompanied by lady Stair, she went to Kensington, and, overcome by her distress, swooned in the act of presenting her petition : the king was sensibly affected, and her husband was reprived. When Balmerino heard of the exertions the others were making, he sneeringly remarked, “ as they appeared to have such interest at court, they might have squeezed his name in between them.” During the solemn interval between sentence and execution, the behaviour of the lords was consonant to their behaviour at trial ; Kilmarnock was all contrition and remorse for his crime ; Balmerino defended his conduct, and outbraved his fate.

Monday, the 18th of August, was the day appointed for their execution. The scaffold was erected on Tower Hill ; on the Friday preceding, Lovat, who passed to the Tower, saw the preparations going forward, and with some emotion exclaimed, “ ah ! is it come to this !” Early in the morning of the fatal day, the troops were drawn up, and about 10 o’clock the sheriffs of London and Middlesex went in procession to the Tower to receive the prisoners. At the foot of the first stairs, the two lords met and embraced, Balmerino nobly paying his friend this melancholy compliment, “ my lord, I am heartily sorry to have your company in this expedition.” As they were leaving the place, the deputy-lieutenant said, “ God save king George !” the earl of Kilmarnock bowed,—Balmerino added, “ God bless king James !” They were conducted to two sepa-

rate apartments in a house prepared for their reception on Tower Hill, opposite the scaffold, for the purpose of their devotions, Kilmarnock assisted by two Presbyterian ministers, Messrs. Forster and Home; Balmerino by the chaplain of the Tower and another episcopalian clergyman; and their friends were admitted to take farewell.

At 11 o'clock, Balmerino, at his own request, was introduced and had an interview with Kilmarnock, when he asked him if he ever saw or knew of any order signed by the prince to give no quarter at Culloden, when Kilmarnock answered, "No, my lord;" and he replied, "Nor I neither." When taking leave, embracing Kilmarnock with the same tenderness as before, he said, "My dear lord, I am only sorry that I cannot pay all this reckoning alone: once more farewell, for ever!" Kilmarnock remained nearly an hour after with his friends, which he employed in devotion, expressing his sincere repentance for his offence, his renovated attachment to the revolution principles, and loyalty to the then present king. Balmerino spent his short time in freely conversing with his friends without affectation and without presumption; twice he refreshed himself with a bit of bread and a glass of wine, and desired the company to drink to him; "but above all," adds Mr. Ford, who acted as under sheriff, "he called frequently upon God, and seemed both willing and prepared to die."\*

The earl, after prayer by Mr. Forster, his rank giving him precedence, went first to the scaffold; on approaching which, struck with the appalling objects,—the assembled crowd, the block, coffin, executioner, and instrument of death,—he turned to Mr. Home, and said, "Home, this is terrible!" yet his demeanour was calm and resigned. The spectators, who had a full view,—for the black cloth that covered the railing was lifted up,—were more than commonly affected; and even the executioner, bursting into tears, was obliged to have recourse to artificial

\* Account of the behaviour of the two lords, published by authority of the sheriff.

spirits. The ministers remained with him a considerable time; and after they departed, an interval longer than usual took place in adjusting his hair, and baring his neck, which some attributed to reluctance to die, but which, in fact, was occasioned by undoing the formal dress, the fashion of the time. When ready, he informed the executioner that he would give the signal by dropping a handkerchief; then kneeling upon a cushion before the block, he inadvertently put forward his hands, which the executioner observing, requested him to let fall down, lest they should be mangled, or break the blow. He was then told that the neck of his waistcoat still stood in the way, and he rose up, and with the help of one of his friends, Mr. Walkingshaw of Scotstoun, had it taken off, then again knelt, telling the executioner he would only detain him for two minutes, which he apparently spent in the most fervent devotion; and on the appointed signal, his head was severed from his body at one blow. His lordship died in his forty-second year; he attributed his unhappy apostacy from early principle to fashionable dissipation, and the consequent embarrassment of his circumstances, the hope of retrieving which had transformed him into a traitor and a jacobite. His head, at his urgent request, was not exposed, but was delivered, along with his body, to his friends.

Immediately after, the executioner, who was dressed in white, withdrew to shift his clothes, which were stained with blood; and the scaffold was strewed with fresh saw-dust to efface the marks of a previous execution. The under sheriff meanwhile proceeded to Lord Balmerino's apartment, who, anticipating his notice, as soon as he entered, said, "I suppose my lord Kilmarnock is no more;" and asking how the executioner had done his duty, upon being informed, observed, "Then it was well done," and instantly added, "Now, gentlemen, I will detain you no longer, for I desire not to protract my life!" He was dressed in the same regimentals that he wore at Culloden,—blue turned up with red,—and mounted the scaffold with as intrepid an air, as if he had been going to a review; so far from discovering any symptoms of sorrow, he repeatedly reproved

his friends for appearing disconsolate, looked with seeming pleasure at the block, and called it his pillow of rest. He walked round the scaffold, bowed to the people, gave some money to the warder, and ordering his bearers to draw near, examined the inscription on his coffin; he next read his speech, avowing his attachment to the dethroned family, and his regret for ever having served any other.

Calling for the executioner, he came, and was about to ask forgiveness, when his lordship stopped him, "Friend, you need not ask me forgiveness, the execution of your duty is commendable;" and presenting him with three guineas, said, "I never had much money; this is all I have; I wish it was more for your sake, and am sorry I can put nothing else to it but my coat and waistcoat," which he instantly took off and laid on his coffin. Then drawing on a flannel waistcoat, which he had provided, as he said, for his shroud, he added the last piece of dress, a tartan night cap, affirming, that he died a Scottishman; and going up to the block, gave the executioner his instructions respecting the signal. Turning to his friends, to take his last farewell, on looking to the crowd, he said to a gentleman who stood near, "I am afraid there are some who may think my behaviour bold, but it arises from a confidence in God, and a clear conscience." He now took the axe from the executioner, and having felt the edge, returned it to him again, at the same time showing him where to strike the blow; and exhorting him to do it with resolution, he added, "for in that, friend, will consist your mercy." With unaltered countenance, he knelt down at the block, and with his arms extended, having said aloud, "O Lord, reward my friends, forgive my enemies, bless king James, and receive my soul," dropped them as the signal. The executioner, taken by surprise, not expecting it so soon, struck the unfortunate lord a blow, not sufficient to separate the head from the body, but sufficiently strong to destroy feeling, two others finished the operation; and his lifeless remains were also delivered to his friends.

Three Scottish officers, James Nicolson, a lieutenant in Perth's regiment, captain Donald Macdonald, a nephew



of Keppoch's, and lieutenant Walter Ogilvy, of lord Lewis Gordon's, tried at St. Margaret's, were the next that suffered; the two latter were youths, not much exceeding twenty years of age, and the former left a wife and five young children. Twenty-two received sentence of death at the same place on the 15th of November, of whom only five,—sir John Wedderburn, collector of excise for the pretender, John Hamilton, governor of Carlisle, Leith, a captain in Perth's, captain A. Wood, a youth of twenty-two, and Bradshaw, a life guardsman, formerly a merchant in Manchester,—were executed.

Carlisle, however, was the scene of the most extensive commission, to which not fewer than three hundred and eighty-five of the rebels were carried, yet of these but thirty-four, chiefly officers, suffered the last punishment, nine at Carlisle, seven at Brampton, and seven at Penrith, in October, and eleven afterwards, on the 15th of November.\* Of the common men, the vast majority had been most cruelly dragged out to the field, and neither knew nor cared much about the pretender; yet as they had been guilty of open rebellion, it was deemed unsafe for the state to allow them altogether to escape, and to have executed the whole would have as little met the exigence; they were therefore allowed to draw lots, one in twenty to be tried, and the remainder to be transported; some refused accepting this chance, and chose rather to hazard a trial. The evidence against them were chiefly soldiers; those who were Scottishmen, occasioned some delay by refusing to swear, by kissing the book; and it was not till after long reasoning, that the English judges consented they should be sworn according to the more solemn and awful form of Scotland. But the prisoners were treated with every indulgence compatible with their situation. Bills of indictment were found against one hundred and nineteen before the 16th of August, and they were allowed till the 9th of September to

\* Several made their escape after apprehension, among others, at Ettrick Braehead, Duncan Maclaren, drover, having given his horse to one of the soldiers to hold, under pretence of retiring, he swaddled himself in his plaid, and rolled down the brae, and though he was pursued and fired at, got off.—*Scots Magazine*, 1746, p. 441.

prepare for their trial, were desired to choose what counsel and solicitors they pleased, and the clerk of the court was directed to make out *subpoenas gratis*, to bring what witnesses they thought proper for their exculpation. The trials commenced on the 12th, when fifteen more were indicted, and continued till the 26th, when the result was, one Charles Douglas pled his peerage as lord Mordington, and had it allowed, eleven pled guilty when arraigned, thirty-two when brought to be tried, thirty-seven were found guilty, eleven recommended to mercy, thirty-six acquitted, and five discharged for want of evidence.

These trials were conducted with much lenity and moderation, and the evidence was full and explicit.\* The only occurrence almost worth notice, related to Thomas Cappock, created by Charles bishop of Carlisle. He was about twenty-seven years of age, and in the enjoyment of a good benefice, near Manchester, when he was induced to enlist with the rebels, among whom he acted in the double capacity of priest and quarter-master. On his trial he gave a specimen of both characters, by appearing at the bar in his gown and cassock, and by his address to his fellow criminals, who appeared affected by their sentence, "What the devil," said the reverend soldier to one of them who shed tears, "are you afraid of? we shan't be tried by a Cumberland jury in the other world." His behaviour was in the same style at the place of execution, and suffered much by comparison with that of Buchanan of Arnprior, who died along with him. From the time of his sentence, till his last moment, this gentleman discovered a sweetness of temper, an undisturbed calmness and firmness of mind, that charmed all who attended him; and he left the world with a placidity, which deepens the regret that he should have perished in such a cause. When the rope was about

\* The jacobites, who exclaimed about the cruelty of these proceedings, forgot, and seemed to think others would forget, the trials after Bothwell Bridge, or these after Monmouth's defeat, during what James facetiously called Jeffrie's campaign. The Scots Magazine, though it has evidently a leaning, candidly allows the humanity with which these trials were conducted. Had the government been sanguinary, they might have quadrupled the sufferers, and not been guilty of one act of injustice.

his neck, he said, " If I have offended any, I earnestly beg they'll forgive me, for I am sure I forgive all the world !" Macdonald of Kinlochmoidart, and major Macdonald of Tyndnish, were also executed at the same time, and evinced a becoming firmness, without parade, on that awful occasion.

Few rebellions of such magnitude have caused so little bloodshed on the scaffold, for after these executions, there were not many convictions, and none of note except Ratcliff and Lovat, whose decapitation appropriately closed the scene of death, as he had been one of the earliest and most faithless of the rebels. Ratcliff, the younger brother of Derwentwater, who was executed in 1716, was taken in a French vessel on his passage from France to Scotland, and executed on his former sentence. Lovat was impeached by the house of commons the following session.

At York the commission opened on the twentieth of August, and the high sheriff's chaplain prefaced their proceedings by an assize sermon from a text, which had a presbyterian chosen, would have been deemed sufficiently barbarous, " And Moses said unto the judges of Israel, slay ye every one his man that were joined unto Baal-peor." Numb. xxv. 5. Fortunately the judges were actuated by another spirit: of seventy-five, against whom true bills had been found, only twenty-two met the doom of traitors, and five were acquitted.

While the law was vindicating the authority of government against the rebels in England, the Argyle faction was allowing the law to be insulted by the soldiery in Scotland. Duke Archibald, unlike his brother John, flattered the political prejudices of the English ministry to maintain himself in power; and envious of the moral altitude and high influence that the president had attained, while he himself, by his journies to London, endeavoured to wean the affections of the government from his lordship; the lord justice-clerk endeavoured to thwart him in the court of justiciary, and to counteract his operations in the court of session. The army had not only been guilty of very wanton oppression and cruelty in the highlands, in the first

moments of exultation and revenge, but had carried their outrages into the low country, and against the harmless and the loyal; while the Scottish managers winked at their conduct, and the courts were unwilling to receive complaints and dilatory in redressing them, till the president, whose love of justice was untainted by the love of power or party, obtained that decision which taught obedience to the soldier, and gave confidence to the country.

One flagrant instance occurred at Stirling; lieutenant Stoyt of Howard's regiment, had ordered a wig from William Pollock, which, when finished, was sent home by his journeyman William Maiben. The wig, however, not pleasing the lieutenant, he abused both the man and the wig, and ordered him "to be gone with his —— article." Maiben in retiring muttered to himself that Stoyt was a troublesome scoundrel, and if he had him out he could kick him for his commission. Stoyt, who did not choose to risk his carcass in single combat with the enraged barber, took a soldier along with him to Pollock's shop, and struck Maiben repeatedly with a staff over the head till it broke; other officers rushing into the shop on seeing the affray, not only aided the heroic Stoyt against the journeyman, but likewise beat the master, who attempted to rescue his servant, and forcibly dragged off the unfortunate understrapper to the guardhouse. Stoyt immediately complained to his colonel of the affront, and poor Maiben was ordered to be stripped, tied to the halberts, and whipped. On hearing of this daring insult on the civil power, three of the magistrates waited upon colonel Howard, and desired the culprit to be delivered to them, assuring him that they would see justice done, but the only answer they received was: "He had ordered Maiben to be flogged, and flogged he should be; and they should know that he commanded in Stirling:" and accordingly the punishment was inflicted. In consequence, an information was instantly given in to the court of justiciary, in name of Pollock, Maiben, and the magistrates, charging lieutenant Stoyt as guilty of hame-sucken against Pollock and Maiben, and lieutenant-colonel Howard, and lieutenant Nelson who superintended the ex-

ecution, of "a barbarous and cruel abuse and maltreatment of Maiben's person in a most ignominious manner, and of a manifest invasion of the offices of magistracy, and of the rights and liberties of the subject : and therefore craving a warrant for apprehending their persons and imprisoning them till they should undergo the law." But their lordships, instead of granting a warrant as prayed for, remitted the case to the sheriff to inquire and report. In the interim, the regiment was ordered for England, whither it set out next day, and on its march halted at Glasgow, where the magistrates entertained the officers, and complimented them with the freedom of the city.

Complaints before the court of session of military interference were extensively numerous, being met by similar judicial evasion, when the following case, before referred to, vindicated the character of that court, and declared the supremacy of the law. Thomas Ogilvy of Coul, merchant, Dundee, had been apprehended upon suspicion in the preceding November and thrown into prison, where he still remained ; during the month of June, captain Charles Hamilton of Cobham's dragoons, not only turned out the whole of the cattle belonging to John Kerr and Alexander Guthrie, two of Mr. Ogilvy's tenants, and appropriated the parks of Coul as grazings for the king's horse ; but when these were ordered south, roused the parks, and received the money for the current season's grass ; then took possession of the mansion-house of Coul and lands adjacent, turned out David Ogilvie his tenant, roused the household furniture, cattle, horses, and farming utensils, and gave intimation that in the month of August the growing corns would be exposed for sale. Of these proceedings the landlord complained, and represented that Kerr and Guthrie had never had their loyalty suspected, and although Ogilvie might, his property could not be forfeited before conviction, nor in any event could the complainer be deprived of his hypothec ; and urged, that if a timely check was not given to these proceedings, Hamilton, or any other officer, might take possession of the rest of his estate, turn out his tenants, and rouse his lands.

To this complaint Hamilton was ordained to lodge answers within five days; but the captain neglecting or despising the order, the court found him guilty of contempt of their authority, and issued a warrant for his incarceration, "until he should find sufficient caution to answer the complaint against the first of November, and for such damages as should be found due to the complainer." Hamilton, perceiving now that it would be vain to contend, found the caution required, and gave in his answers, in which he rested his defence chiefly upon the troubled state of the country, which authorised the interference of the military during the suspension of the regular courts; and on the act of indemnity which secured the officers from prosecution, for imprisoning persons, seizing horses, carts, &c. and divers acts which could not be justified by the strict forms of law, yet were necessary for defence of his majesty's person and government. On the 18th December, the lords, after fully considering the whole subject, issued their important interlocutor, and "found that the matters charged on captain Hamilton not appearing to have been advised, commanded, or done, in order to suppress the late unnatural rebellion, or for the preservation of the public peace, or for the safety or service of government, did not fall under the act;" and therefore adjudged "the said captain Hamilton to be liable for the rent of the parks set to Kerr and Guthrie for the current year, and for the goods and cattle of David Ogilvie intromitted with by him, to the extent of the landlord's hypothec."

The merit of this decision, which tended so greatly to tranquillize the country, is the more eminent when we consider, that the greater part of the lowlands always adverse to the rebels, but, being unarmed, had been obliged to temporize in the time of their power, and were therefore now most loyally vindictive, and willing to wipe away the odium of inactivity, or the suspicion of disaffection, by extenuating, if not encouraging, the exactions and arrogance of the royal army.

Throughout England, too, there was a general impression that the Scots were, with a few exceptions, all favourable

to the cause of the Stuarts. The fact was notorious, that whatever advantages Scotland had reaped from the Union, were not the result of any kind conciliating conduct on the part of the English portion of the legislature; who, in almost every case, brought their native prejudices into the councils of the empire, and treated their northern fellow-subjects with illiberality, whenever their interests seemed to come in competition with what they supposed to be their own. They therefore concluded, that because they had insulted and injured the Scots, they must of course have incurred their hatred, and that it was now necessary to oppress and extinguish them as a nation, to prevent their wishing to shake off the yoke: and not only were these sentiments advocated in the party-pamphlets of the times, but were openly avowed in the debates in parliament. In this they were flattered by a political party in Scotland, who, only aiming to retain their seats, were afraid of opposing what they thought would be agreeable to the English ministry,—who were themselves terrified at the opposition being strengthened by the public voice,—and meanly contributed to flatter the undistinguishing London mob clamour against the Scots, being willing that all their countrymen, except their own dependents and retainers, should be represented as unfriendly to government; with whose stability they were anxious their own should appear as inseparably connected. The troops showed this opinion more offensively. General Hawley insulted the city of Edinburgh, by erecting a permanent gallows in the Grassmarket, which remained for six months, to affront the city, till some of the inhabitants indignantly pulled it to pieces during a wintry night. The whole of the military proclamations were in the same style, and the uniform burning of the episcopalian meeting-houses cannot be less considered as expressive of hatred to jacobites, than of contempt for the country; and it was remarked, that to the complaints against military outrage was ostentatiously opposed the pitiful show of marching a band of chimney-sweeps, with the hangman at their head, to burn at the cross the banners of the rebel chiefs, which had so lately waved there triumphantly.

Parliament, which met on November 18th, was informed by the king, that, during the recess, he had been particularly attentive to extinguish any remains of the late rebellion, and to re-establish peace as far as remained with him, and that he expected the rest from their prudent deliberations. The commons assured him that they would not fail on their parts to answer his just expectations, by taking all such further measures as should appear conducive to re-establish, upon a lasting foundation, the security and tranquillity of government. The suspension of the habeas corpus act was accordingly continued till the 20th February, and measures taken for the impeachment of lord Lovat, which was announced to the peers on the 10th December.

After various delays, arising chiefly from his lordship's applications for time to prepare his defence and bring up his witnesses, his trial commenced on the ninth day of March, and continued, with one or two interruptions, till the nineteenth, when he was found guilty of high treason, and received sentence of death. It was clearly proved against him by Murray of Broughton, secretary to Charles, by Robert Fraser, his own secretary, as well as by other evidence, and his own letters ; that he had signed the association to support the pretender, accepted of a commission to be lieutenant-general of the highlands, and a patent to be duke of Fraser from him ; that he had written to Charles Edward as prince of Wales ; that he had sent round the fiery cross, and forced, against his inclination, his son, the master of Lovat, with the clan, to join his army ; and that, after the battle of Culloden, he had assisted at a council of war for the purpose of renewing the rebellion. In an ingenious and artful defence, Lovat endeavoured to destroy the credibility of the witnesses adduced against him, by a very strong and powerful general objection ; that a person who had himself been in the rebellion, and who gave evidence in expectation of life,—which, as his witnesses had not received previous pardon, they must all of necessity have done,—was



not to be trusted, as he durst not say any thing that would endanger his own safety; at the same time, that he contended their private characters were such as entirely to render them unworthy of regard. “The infamous fellows the secretaries,” were objects of his keenest invective. “Murray” was thus represented “the most abandoned of mankind, who, forgetting his allegiance to his king and country, has, according to his own confession, endeavoured to destroy both, like another Cataline, to patch up a broken fortune upon the ruin and distress of his native country. To-day, stealing into France, to enter into engagements upon, your lordships may believe, the most sacred oaths of fidelity; soon after, like a sanguinary monster, putting his hand and seal to a bloody proclamation, full of rewards for the apprehending the sacred person of his majesty: and, lest the cup of iniquity had not been filled, to sum up all in one, impudently he appears at your lordship’s bar to betray those very secrets which he confessed he had drawn from the person he called his prince, his lord and master, under the strongest confidence.” Then endeavouring to work upon the fears of his judges, some of whom were themselves implicated in Murray’s narrative, he proceeded.—“But if, after all I have said, your lordships can pay the most distant regard to the secretary’s evidence, it is hard to determine how many of his majesty’s other faithful subjects may escape the licentious liberty of his impeachment.” “For let him once think, that upon the multiplicity of his accusations his worthless life depends, and there is no reason to apprehend any of the most faithful subjects can boast of a long security.” And he finishes by this most cogent conclusion: “I will not, my lords, trouble your lordships much upon the objections to which my counsel have spoken against the competence of this witness; but if a desire of life to so wicked a person, who must be afraid to die, can be any inducement to swear falsely, it is apprehended impossible any of your lordships can give the least degree of credit to the oath of the villain, secretary Murray.” Robert Fraser he dismissed very summarily, as “a person who never had the good fortune to be worth a shilling, and whose veracity and truth never

exceeded his riches ; one of those honest gentlemen, whose mouth seldom opens but for their tongues to lie."

The case, however, was so clear, and their testimony was confirmed by so many indisputable facts, that he was himself convinced it was impossible for the lords to have acquitted him ; and afterwards only expressed his chagrin at being convicted by his own servants, by the men he had nurtured in his own bosom, and to whom he had been so kind ;—that, he said, was shocking to human nature.

His conduct, from the time of his condemnation till his execution, was what could have been little expected from the tenor of his previous life ; his spirits never appear to have failed him, and he sported a kind of rude humour to the last. Could we credit his own declaration, in a letter to his son, then confined in Edinburgh castle, his hopes were those of a true penitent ;\* even his conversation, imperfectly as it is reported, would lead to a similar conclusion ; nor would it become us now to pronounce :—had he been a patriot, dying for his country, his behaviour would have been in character ; as it was, it presented a strange and irreconcilable anomaly. On the third of April, the warrant for his execution on the ninth, was notified to him, and he received it with the greatest resignation, having previously refused to petition for himself, saying, that he was so old and infirm that his life was not worth asking ; but he petitioned for a pardon to his eldest son. He professed himself a Roman catholic, of the sect of the Jansenists, and passed the solemn interval in the exercises of devotion, and in frank jocular conversation ; now

\* The following is an extract :—" We have provoked God by our sins, which most certainly have brought these troubles upon us. I do sincerely thank God for these troubles, because they have brought me from a way of sin, that I lived many years in, to a way of repentance and humiliation, and instructed me to follow my dear Saviour, the Lord Jesus Christ, as I ought to do. I therefore, my dear child, earnestly beg of you, with the sincere heart of a tender and affectionate father, to repent of all your sins and transgressions, and to throw yourself at the foot of the cross of Christ, begging, for his suffering's sake, which you know were great, to give you true repentance, to forgive your sins, and be reconciled to you for the sake of his blood that he shed upon the cross for sinners."

openly avowing his attachment to the Stuarts, yet speaking with respect of the family on the throne, and with affection of George I. His high ideas of chieftainship never forsook him; he told some friends, who came to see him, he would have his body carried to Scotland to be interred in his own tomb in the church of Kirkhill; and said, that he had once made a codicil to his will, where all the pipers from Johnnie Groat's-house to Edinburgh were invited to play before his corpse, for which they were to have a handsome allowance; and though that might not be thought proper now, yet he was sure some of the good old women in his own country would sing a coronach before him, "and then," added he, "there will be odd crying and clapping of hands, for I am one of the greatest chiefs in the highlands."

Thursday, the day of his execution, he awoke about three o'clock in the morning, and prayed most devoutly; at five, he got up, and called for a glass of wine and water according to his usual custom, and seemed as cheerful as ever; then being placed in his chair, sat and read till seven, when he called for another glass of wine and water. At half-past nine, he breakfasted heartily on minced veal, and after it drank the healths of his friends in a similar beverage.\* At eleven he left the Tower, and rested in the same house where the former lords had stopped; before leaving it, he thanked the sheriff for his attention, and expressed a hope that his blood would be the last that would be spilled upon that occasion. Ascending the scaffold, assisted by two wardens, he looked round, and seeing the vast crowd that had collected, said to his attendants, "God save us! why should there be such a bustle about taking off an old gray head that can't get up three steps without two men to support it?" and observing one of his friends much dejected, he clapped him

\* About ten o'clock, a terrible accident happened upon the hill; a scaffold, raised many stories, with several hundreds of persons on it, fell down with a crash, killed eight people on the spot, and wounded a number, of whom ten died next day in the hospitals, besides the master carpenter of the scaffold and his wife, who were selling beer underneath when it fell.

on the shoulder, and bade him "Cheer up thy heart man; I'm not afraid, why should you?" As soon as he came upon the scaffold, he called for the executioner, and pulling out a purse, told him, "Here is ten guineas for you, pray do your work well; for if you should cut and hack my shoulders, and I should be able to rise again, I shall be very angry with you:" then desiring to see the axe, he felt its edge, and said he believed it would do, looked at his coffin, and sitting down, repeated "*Dulce et decorum est pro patria mori.*" After a short pause, he delivered his gold-headed cane to Mr. William Fraser his solicitor, and afterwards his hat and wig, with a charge that the executioner should not touch any of his clothes; then unloosed his cravat and the neck of his shirt. Having adjusted himself to receive the stroke, he, after a short prayer, gave the signal, and the executioner at one blow struck off his head, which was received in scarlet cloth, and together with his body carried back to the Tower, where next day it was ordered to be interred, lest a funeral procession in Scotland might have occasioned any disturbance.\*

\* A strange circumstance took place, which occasioned a great deal of idle speculation at the time. After Lovat received sentence of death, and before his execution, Mr. Painter of St. John's College, Oxford, procured to be forwarded three very extraordinary letters; one to the king, the other to the earl of Chesterfield, and the third to Mr. Pelham, requesting the favour of being executed in room of his lordship. They were then published. The following is a copy of that to Mr. Pelham: Sir,—Believing you to be one of the most generous men alive, and ever ready to do acts of the tenderest greatness, as you are truly great; I am therefore encouraged to apply to you to do me a small service at court. You may the more easily do me this service, because the post I want is not of the same nature with other court preferments, for which there is generally a multitude of competitors, but may be enjoyed without a rival. Will you then refuse to make me truly happy? Is it such a mighty favour to give me what you cannot give to any other man? for no other man in the nation will, I believe; accept it at your hands. Do then be persuaded; let me persuade you, sir, to intercede with the king in my behalf, that Lovat may be pardoned, and that I may have the honour of being beheaded on the scaffold in his lordship's stead. My pretensions to ask this favour you may see in my letter to the king.—I am, with my hat under my arm, and a very long bow, Sir, your most devoted, most obedient, and most humble servant,

JOHN PAINTER.

Lovat's was the only parliamentary impeachment, and from it originated a very salutary improvement in the treason law, by which persons impeached in future should be legally entitled to make their full defence by counsel. An act was subsequently past, vesting the estates of those who were already or should be attainted before the twenty-fourth of June seventeen hundred and forty-eight, in his majesty, for applying the produce to the public use, after satisfying all private claims upon them; the ascertaining of which was to be committed to the court of session—the management of the leases or sales, to be under the direction of the barons of exchequer. The tenure of ward-holding was next taken away; all lands so held of the crown being turned into blanch-holding for the nominal payment of one penny Scots yearly, and all tenures of lands held of any subject superior, turned into feu-holding for payment of a certain feu-duty yearly, in place of the casualties of ward-holding, and of all services. Vassals were also released from the duty of attending at head courts at certain times of the year; and no indefinite service under the name of use and wont was exigible after the first of July seventeen hundred and forty seven. The disarming act was at the same time re-enacted with additional rigour; and after the first of August seventeen hundred and forty-eight, the use of the highland garb was strictly prohibited, except to officers and soldiers in the king's service, under the penalty of imprisonment for the first, and transportation for the second offence;—a clause which betrayed an unmanly and impolitic resentment in a legislature, but never was universally or rigidly enforced; and the plaid and the philabeg, the kilt and the tartan, have survived the proscription.

The disarming was however strictly put in execution, and produced every desirable object, as without this the acts for abolishing the vassalage of tenants and the heritable jurisdictions would have been of very little consequence. These jurisdictions still existed in the lowlands, yet the border chieftains, once so powerful, had become little troublesome to government since their vassals had been disarmed. We now see that the same cause has produced

the same effect in the highlands; and when unable to have recourse to arms, the chiefs, like other landlords, have been obliged to have recourse to law.

This last measure, intended to destroy the independence of the clans, but which introduced a material and necessary reform in the jurisprudence of Scotland, originated in the house of lords, and to avoid any invidious distinctions, was made to comprehend the whole of Scotland. Before the parliament rose in August seventeen hundred and forty-six, two orders were issued to the court of session,—one to prepare the draught of a bill for remedying the inconveniences arising from the several kinds of jurisdictions in Scotland, and for the regular administration of justice in that part of the united kingdom: the other, to inquire what regalities and heritable sheriffships subsisted; what persons were in possession thereof; and which of such regalities were granted before the act of king James II. of Scotland, which annexed to the royalty all the regalities in the king's hands; and with regard to those that had been granted since, which had been granted with deliverance in [*i. e.* consent of] parliament, and which without. In reply to the first of these orders, the court of session observed, that it was impossible to make any effectual provision for the regular administration of justice by the king's courts, without taking away several kinds of heritable jurisdictions, which by the articles of union were secured to the proprietors as rights of property, and could not be taken away without due satisfaction: they therefore declined framing the draught of any bill which did not proceed on the principle of compensation, but as they were extremely anxious to promote the object, they submitted a few suggestions for their lordships' consideration.

The original cause of lodging high jurisdictions in powerful families, they remarked, was owing to the great difficulty experienced in bringing offenders to justice, and enforcing the laws; and the consequent necessity of committing that charge when the country was yet uncivilized, to such as were able to execute it. And as the highlands had at all times been and were then in a state which

prevented any process of law from having free course, it was first requisite that due care should be taken to bring that part of the country in subjection to the law, and to secure the execution of processes of all kinds before any hopes could be entertained of seeing a regular administration of justice by the king's courts and judges there.

Which being obtained, they proposed:—that circuit courts should be held twice a-year at Glasgow, Stirling, Perth, Aberdeen, and Inverness, where offenders from the Highlands and other parts might be brought, and that trial for all crimes, inferring the loss of limb or demembration, should be confined to the court of justiciary at Edinburgh or the judges in these circuits, leaving to the lords of the respective jurisdictions the escheats resulting from the several convictions. That trials for lesser offences should remain with the sheriffs, or if allowed still to try criminal cases, that their sentences should be reported, with a full copy of the trial, to the justice court for their approval or commutation, in which case all the parole evidence should be committed to writing and made part of the records—a formality from which the higher court should be relieved. That the sheriffs' courts should still retain the power of deciding in cases of debt not exceeding two hundred merks Scots, and the baronial or bailie courts the jurisdictions they possessed with regard to small debts, trespasses, and petty offences; and finally, that the sheriffs and stewards, instead of what they then were entitled to, “sentence money,” a sort of poundage out of the sums decerned for, should have a reasonable salary, and be appointed, *aut vitam aut culpam*. But with regard to the other order, the state of the records, and the confusion of the record office was such, that no satisfactory answer could be given.

Upon these suggestions an act was constructed; but as the compensation rendered it a money-bill, it was withdrawn from the house of lords, and on the twenty-eighth of February one thousand seven hundred and forty-seven, introduced into the house of commons, described in the preamble as intended “for remedying the inconveniencies



that have arisen, and may arise, from the multiplicity and extent of heritable jurisdictions in Scotland ; for making satisfaction to the proprietors thereof ; for restoring to the crown the powers of jurisdiction originally and properly belonging thereto, according to the constitution ; and for extending the influence, benefits, and protection of the king's laws and courts of justice to all his majesty's subjects in Scotland ; and for rendering the union more complete."

By it all the heritable jurisdictions of justiciary, regalities, baileries, constabularies, except the office of high constable of Scotland, sheriffships, deputies, &c. were extinguished after the twentieth of March one thousand seven hundred and forty-eight, and their powers vested in the king's courts ; a reasonable satisfaction to be given to the proprietors, whose claims were to be examined and settled by the court of session. The reserved baronial jurisdictions were restricted to assaults, batteries, and smaller crimes, for which the punishment should not exceed a fine of twenty pounds sterling, or three hours in the stocks in day-time, or a month's imprisonment on failure of payment of the fine. All private prisons or dungeons, which had often been the habitations of horrid cruelty, were abolished, and no person was to be confined in any place but such as had grates or windows, was entered in the sheriff's books, and open to the inspection of friends. One sheriff-depute was to be appointed for every shire, who should be an advocate of three years' standing, by warrant under the royal sign-manual, during pleasure, for the seven current years, but afterwards *ad vitam aut culpam* ; only liable to a summary trial before the court of session for gross misbehaviour or neglect of duty at the suit of the king's advocate, or any four or more freeholders entitled to vote in elections ; with competent salaries ; with power to appoint one or more substitutes during his pleasure. The fines and penalties imposed in these courts, and which had been a source of lucrative oppression formerly were done away, and the shares of such fines or penalties as formerly went to the judge were ordered to be paid into the exchequer at Edinburgh. It was violently debated, and did not finally pass till June.



A number of the Scottish landholders, who were unwilling to relinquish their power, resisted the measure as a violation of their rights, and a breach of the articles of the Union, which had expressly provided for their security; and joined by the usual opposition, contended that it sapped the foundation of private property, if the unwilling owner was forced to sell it at a stipulated price, because it might at some future period be inconvenient for the public that he should retain it; for upon no other principle could the proprietors of heritable jurisdictions, who were loyal, and against whom there were no complaints, nor even an alleged ground of accusation, be obliged, contrary to their inclinations, to part with privileges dear to them beyond all price, and for which money could afford no compensation; and also urged, that it would prove destructive to the liberty of the people, by throwing such a weight of patronage and influence into the hands of the crown.

The obvious great and public advantages, it was replied, which would arise from a fair and equitable administration of justice, the necessary consequence of the measure, overbalanced any private interest required to be given up; besides, this case was especially provided, for in that clause of the union compact, which stipulated "that no alteration be made in the laws which concern private right, except for the evident utility of the subjects, within Scotland," the very purpose for which these jurisdictions were now required. With regard to the liberty of the people; the contest was not between the crown on one side and the people on the other, but between the crown and the people, united together in one common cause, against the interest of those in whom exorbitant powers were vested, an interest distinct from both; it was not a dispute between liberty and prerogative, but between tyranny and government. And this, it was asserted, was so true, that in no one of the several gothic constitutions established in Europe did ever the people attain to any considerable share of wealth or freedom till they had been emancipated from such jurisdictions, and till all the other powers of the great feudal lords, those petty tyrants,—too potent for subjects, too weak for sovereigns, strong enough to oppose, but unable to protect,

—were entirely absorbed in the more beneficial and salutary power of the crown:—a power in Britain which means not an interest opposed to the people, but the authority of the whole commonwealth, a name for the executive part of government, the vigour and energy of the whole state, which acts for the benefit of all its members. The bill passed by a large majority in the commons, but encountered a protest in the house of lords, to which, however, only ten names were attached, and of these not one was Scottish.

One hundred fifty-two thousand and thirty-seven pounds, twelve shillings and twopence was the sum paid for this most important accession to the crown: and it is only to be regretted that when this subject, as a general question, was brought into discussion, the legislature had not adopted a more complete reform, and simplified the whole proceedings before inferior courts; that when they took away the poundage paid the judges, they had not so regulated the fees as to have afforded the poor an easy access to justice; and prevented, as far as human wisdom could, the baser aristocracy of wealth from obtaining an influence in our judicatories, from which it was requisite to exclude the aristocracy of birth.\*

The session closed with an act for the king's most gracious, general, and free pardon, for all treasonable or seditious offences committed before the 15th of June 1747, excepting, however, all persons then in the service of the pretender, or in those of France and Spain, who had entered after the respective declarations of war; all engaged in the rebellion 1745, who had been beyond seas at any time between the 20th July 1745, and the 15th June 1747, all attainted or convicted before the latter period; and eighty-five individuals by name, together with the long persecuted clan Macgregor. After giving the royal assent to which on the 17th June 1747, his majesty dismissed the parliament with a high complimentary speech; expressing the pleasure he had in passing an act of grace, and the good effects he promised himself in healing in some measure these wounds which

\* Parliament. Hist. vol. xiv. p. 31 et seq. 51—57.

the rebellion had made, and re-establishing the quiet of the kingdom; since by this act the generality of those who had been deluded from their duty would find themselves restored to security, and to the protection of the laws they had endeavoured to subvert. Next day the parliament was dissolved by proclamation.

Edinburgh being in possession of the rebels on Michaelmas 1745, on which day only, according to the set of the city, the election can legally take place, the good town had remained without any civil government, till upon application from a committee of burgesses to the king, an order in council was issued for a poll election; at which all the burgesses were permitted to give in lists of those they desired should fill the different offices, to the town clerks appointed to conduct the business under the superintendence of three judges of the court of session. Polling commenced on the 24th, and was concluded on the 26th November 1746, when a true whig magistracy was returned, with the redoubted volunteer officer, George Drummond, as lord provost, who being approved of by the duke of Argyle and his majesty, entered upon the discharge of their civic functions January 3d, 1747. His unlucky predecessor, against whom the most violent prejudice had been excited, upon intimating his arrival at London, Nov. 1745, where he had gone to attend his duty in parliament, was taken into custody; and after being examined before the privy council, was committed to the tower, where he remained prisoner till the 23d January this year; when he was admitted to bail upon a recognizance to the extent of fifteen thousand pounds sterling, to appear before the court of justiciary at Edinburgh in March. After various adjournments, he was brought to trial on the 6th of August, when the court "found it relevant to infer the pains of law, that the pannel at the time and place libelled, being then lord provost of the city of Edinburgh, wilfully neglected to pursue, or wilfully opposed or obstructed, when proposed by others, such measures as were proper or necessary for the defence of the city against the rebels in the instances libelled, or so much of them as do amount to wilful neglect." But

owing to some informality in citing a witness, the lord advocate deserted the diet *pro loco et tempore*, and he was brought to the bar upon a new indictment, 26th October, and next day the trial proceeded; fifty witness were examined for the prosecution, and fourteen in exculpation, which occupied nearly five days and four nights, and on Monday, 2d Nov. an unanimous verdict of not guilty was returned.\*

This result excited lively satisfaction in the city, and Mr. Stewart's friends had resolved to celebrate the vindication of his character by a festive meeting; but provost Drummond, after a consultation with the lord justice-clerk, informed the public, through the medium of the newspapers, of his having been advised that he might lawfully forbid such a meeting, and his resolution not to suffer it. The meeting was, in consequence, never held. Such, however, is the virulence of party, that the magistracy were not satisfied with this interposition, but carried their furious loyalty to the most oppressive extent. A poem upon Stewart's acquittal, in which the cruelties of the royal party, from the day of Culloden to the day of his trial, were satirically exaggerated, and some of the witnesses who were examined against him, the valorous Drummond, Grant, inspector-general of the customs, principal Wishart, and several other conspicuous characters, were treated rather uncereemoniously, was published by Robert Drummond, a jacobite printer. For this, he was apprehended, and brought before the bailies, who sentenced him to lie in the jail from the 16th till the 25th of November, and then, betwixt the hours of twelve and one, to be carried to the cross, there to stand bare-headed, with this label on his breast, "For printing and publishing a false, scandalous, and defamatory libel," till all the copies of the poem should be burned by the hands of the hangman; then to be kept in prison till he should find security for banishing himself the

\* In consequence of the fatigue of this trial, the longest upon record in the books of justiciary, the jury, who sat, with only some very short interval, ninety-four hours, were exempted from being summoned upon any assize for the space of five years. Stewart's Trial, Edin. 1747.

city for a twelvemonth, and be deprived of his privileges as a freeman for the same period. Against this sentence Drummond appealed to the justiciary, on the ground, that a crime of such magnitude, involving so severe a punishment, was entitled to trial by jury; but the jurisdiction of the inferior courts was not yet defined, and, as in political cases, a little stretch against an obnoxious individual is seldom very narrowly examined, the justiciary refused to interfere, and the sentence was inflicted in its utmost rigour.

At the close of the year, Scotland lost in Duncan Forbes one of her brightest ornaments; who, without slavish attachment to any party, made the cause of his country the chief object of his public life, and who had been not less zealous in his attempts to prevent the rebellion, than active in his exertions to repress it; and equally bold and unshaken in withstanding the cruel and illegal severities of the victors, as humane and persevering, in his endeavours to alleviate the sufferings of the unfortunate offenders. He purified and exalted the courts of his country, and redeemed the Scottish bench from the obloquy of ruinous delay in their proceedings, and extreme partiality in their decisions. He was a whig of the old school, who deemed personal religion the true basis of public virtue, and well merited the tribute that Warburton paid him; "I knew and venerated the man, one of the greatest which ever Scotland bred, both as a judge, a patriot, and a christian."\*

The general assembly of the church passed quietly over this year. So did not the high court of the secession. The violent spirits in which, finding no occupation, elsewhere burst out into acts of the most unchristian bitterness among themselves; which terminated in the formation of two sects, whose animosity towards each other for some time far exceeded what they bore to their backsliding mother. Their numbers, considerably increased, in 1745, consisted of three presbyteries, forming a synod, at whose first meeting a

\* Letter to Hurd. A complete life of Forbes is still a desideratum in Scottish literature. The sketch before the Culloden Papers is good so far as it goes, but it is too brief.

question of useless scrupulosity was agitated respecting the lawfulness of oaths not imposed by government, but forming part of municipal usage; and particularly the following clause imposed in the oath of some burghs, "I profess and allow with my heart, the true religion presently professed within this realm, and authorised by the laws thereof; I shall abide at and defend the same to my life's end, renouncing the Roman religion, called papistry."\* Messrs. Ebenezer and Ralph Erskine, and James Fisher, with some others, contended that this implied simply the doctrine, worship, discipline, and government of the church of Scotland, which they had repeatedly and solemnly approved, and did not imply any consent to the errors against which they had so expressly bore testimony, and from which they had actually seceded. Messrs. Moncrieff, Thomas Mair, Adam Gibb, and about an equal number, insisted that the true religion mentioned in this oath, was to be understood as including all the corruptions of both church and state, and swearing the oath imported nothing less than a renunciation of their testimony. Those who defended the clause were called burghers, those who condemned it anti-burghers: and the dispute was carried on, especially by Gibb, the champion of the latter, with a personal acrimony beyond even the allowed asperity of polemics.

For the sake of peace, the burghers offered to agree to an act, forbidding seceders to swear the clause as "inexpedient;" the antiburghers would admit of nothing except declaring it "sinful;" and, in the synod, April 9, 1746, they carried their point. Against this decision some of the burghers protested as contrary to christian forbearance, tending to rend the body, and, in opposition to the rules of the church, the presbyteries not having been consulted.† Some of the

\* The whole had unanimously condemned the mason oath, as an ignorant, childish, and superstitious profanation of the name of God, and agreed to use every endeavour to prevent any of their people from having any thing to do with it.

† It is not a little curious to observe, that these fiery zealots for presbyterian purity fell into one of the most flagrant errors of the general assembly, in point of form, and one of the most prominent abuses against which they bore testimony;—the violation of the barrier act, vide p. 77.

antiburghers, however, notwithstanding, proceeded to debar from the Lord's Supper such as approved of the oath, which gave rise to still more furious contention. At the synod, April 1747, it was debated whether the act of the synod should be made a term of church communion? and after a stormy discussion, and "too much unchristian altercation," voted "that it should not be a term of ministerial and christian communion with them; at least till the affair should be maturely considered in presbyteries and sessions, and their opinions returned, and further means of unanimity by prayer and conference essayed." The antiburghers, who insisted that the protest and answers should have been first considered, when they found they could not carry that, which in point of form would perhaps have been the regular mode of procedure; protested in their turn, and, headed by Mr. Thomas Mair, withdrew to Mr. Gibb's house, where they formed themselves into a synod; and next day "the associate brethren" presented the unlovely spectacle of two hostile synods, each asserting their claims to ecclesiastical power and prerogative.

Twice the burghers attempted conciliatory measures, and invited the protesters to extrajudicial meetings for prayer and conference, in order to regain harmony in the cause of truth; but the others would have no communication with them, unless they appeared as penitents at their bar, confessing their sins. Which the burghers declining, the antiburghers proceeded to inflict upon them the highest church censures; and for difference of opinion upon a disputable point, deposed and excommunicated men they accounted Christians; delivering them over into the hands of Satan, and casting them out of the church as heathen men and publicans; then, with no small prayer and fasting, they implored the blessing of God upon the transaction! \*

Trusting to the general sense of the country, in favour of the present manageable set of members, government had anticipated by a year the dissolution of parliament; and the returns to the house of commons justified their confi-

\* Brown's Hist. of the Secession.



dence, a majority being the same that had served in the last. The war on the continent had, during the preceding campaign, pressed hard on the British, whose blood and treasure had flowed freely in a foreign dispute; but their success on their native element, where the victories of Anson and Hawke threw a compensating lustre round their arms, and atoned for the sanguinary and fruitless engagements of Cumberland, happened fortunately for exhilarating the public mind before the opening of the new parliament. And when it sat down, [November 12th] afforded matter of gratulation in the royal speech, which also announced the prospect of a general pacification; but in the meantime, his majesty advised “to be prepared for either event, and to proceed in consolidating domestic peace; and if any further provisions should be found expedient to render more effectual the good laws lately made for the security of the present establishment, extinguishing the spirit of rebellion, and for the better civilizing, improving, and reducing into order any part of the united kingdom, he depended on their known affection to him and to their country for setting seriously and early about so good a work.” These in this session consisted chiefly of re-enactments with temporary alterations of the statutes already noticed, of which the only one that occasioned any lengthened debate was that respecting the episcopalian clergy in Scotland.\*

Episcopacy had, ever since the reign of Anne, been gaining ground in the Scottish capital and in the north, and its proselytes, though not numerous, were of a description calculated to awaken the jealousy of the

\* By a foolish and tyrannical exercise of power, the senate of a free people interposed to prevent the public from being acquainted with their proceedings, except by the result. And acting upon the principle of pure despotism, that subjects have nothing to do with the laws but obey them, the house of lords punished several printers for publishing their debates and acquainting the nation with the reasons upon which the statutes were professed to be founded: in consequence, the parliamentary history, for some years very defective, had to be gleaned chiefly from private sources; fortunately, however, as regards Scotland, the reasonings upon the most important acts have in this manner been pretty fully preserved.—Parliamentary History, vol. xv. an. 1747.



presbyterians,\* yet were they treated with lenity if not with kindness by government, till two rebellions had proclaimed that farther forbearance would have been both dangerous and impolitic. In 1746 parliament passed an act allowing such episcopal pastors to officiate as had been ordained by protestant bishops, and took the oaths of allegiance, but with a suppleness of conscience and a faculty of evasion for which they were always distinguished, the Scottish episcopal clergy, with not half a dozen of exceptions, swallowed the oaths and continued their vocations; it was then deemed necessary to prohibit all from being pastors of that persuasion, or officiating in their meeting houses, who had not received their orders from bishops of the church of England or Ireland, besides taking the oaths.

Against this act, which was strongly opposed in the house of lords, a ridiculous outcry was raised, as cruel and persecuting; and worse than the worst acts of Charles the second, but the arguments for its necessity were unanswerable:—it is a leading principle in episcopacy, that the king is the temporal head of the church, to whom the bishops must swear allegiance, and to whom, every person they ordain must likewise profess obedience; now the whole of the Scottish bishops were almost, without exception, appointed by a *congé d'elire* from the pretender, or from persons deriving their authority from him, and to allow priests, receiving orders from them, to officiate as clergymen, was to openly admit the claim of the pretender to be head of the Scottish episcopalian church, and afford protection to persons whose office and oaths obliged them to support his pretensions. “To conscientious non-jurors, or even rebels,” said chancellor Hardwicke, “I would show as much compassion as is consistent with public safety, while they remain quiet, without

\* They consisted chiefly of young men of fashion and young ladies. “The episcopal meeting-house here [Aberdeen] is the handsomest I have seen in Scotland, having a neat organ and many other ornaments. The handsomest young ladies are generally attendants on those meeting hours, and are generally esteemed as jacobites.”—*Journal of a Medical Officer, &c.* p. 106.

propagating their principles, but to a set of people, who, notwithstanding their being jacobites in their hearts, not only take all the oaths we can impose, but worm themselves into places of trust and confidence under the present government, and yet join in, or are ready to join, any rebellion against it: with respect to such men, I must say that no regulation we can make, no punishment we can inflict, can be called cruel or unjust."

The act received the royal assent on the 13th of May, when the king informed parliament that the preliminaries of peace had been ratified, put an end to the session, and the same evening set out for Hanover. At the conclusion of this war, the conquests upon both sides were restored, while the chief cause of dispute with Spain, the right which the latter claimed for their guarda-costas of searching British vessels on the high seas, was left undecided; and Britain had increased the national debt to eighty millions sterling, —for what object it would be a puzzle to determine.

# THE HISTORY OF SCOTLAND.

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## Book XXIV.

GRIEVOUS as have been the wailings over the fate of the jacobites, no event in the history of Scotland has been productive of such decided advantage to the country as the final extinction of the hopes of the house of Stuart. From the restoration to the revolution, had been a period of ruthless oppression; from the revolution to the close of the last rebellion, one of restless inquietude,—during which the terrors of lurking conspiracy, from an indefinite band of conspirators, heightened by exaggerated reports of their numbers and power, deprived the executive of its proper energy, and forced it to rule by expedients rather than by the exercise of its legitimate sway. But after the discomfiture of the rebels had discovered their actual strength, and dissipated the illusion that had rendered them so formidable; when the government acquired its necessary weight, and the prospect of internal tranquillity, and the abolition of feudal tyranny, allowed the industry of the people free scope for exertion,—then commenced the true era of Scottish prosperity. Nor was the conduct either of the pretender or his son calculated to awaken any of those sympathies which accompany the downfall of venerated royalty; there was a meanness and self-degradation about both that obliterated the natural feeling of respectful sadness which hallows the misfortunes and failings even of a common driveller, if the last representative of an ancient dynasty. The old man, with his few factious retainers,

kept up the burlesque upon royalty at Rome till his death, in the year 1766.

Charles Edward, upon his return from Scotland to France, was received with the greatest seeming affection by the king, and treated with all the magnificence due to a chivalric hero in distress, as long as it served the purpose of that court to exhibit their puppet in that character. But when, by the treaty of Aix-la-Chapelle, against which he had formerly protested, George was guaranteed king of Great Britain, and all pretenders to his crown disowned; the young chevalier was turned out of France in rather a discourteous manner. Having been informed that he could be no longer openly protected by his most christian majesty, and politely requested to withdraw, with the offer of a handsome pension in any distant principality he might choose; with the same inconsiderate folly that had hitherto distinguished his career, he attempted to outbrave the monarch in his own capital, and was only convinced of his mistake, by being seized as he was going to the opera, and most unceremoniously conducted to the castle of Vincennes, whence, after a short confinement, he was safely transported to the frontiers. He afterwards resided chiefly in Italy, but paid two unheeded visits to England, one in 1750, when he renounced popery, and another in 1760, to see the coronation of George III. after which he lingered out a despicable existence in low intoxication and domestic quarrelling, occasionally alarming the palace, by the manual discipline he gave or received from his concubine. Not being recognised by any of the foreign courts, he retired, on his father's death, to Albano, and married in 1772, the princess Louisa Maximilia de Stolberg; he died at Rome on the 31st of January 1788. His brother Henry, nominal duke of York, who had been created a cardinal, lost the whole of his revenues in the revolutionary wars; and after subsisting for some years on the bounty of our late venerable sovereign, who allowed him L.4000 per ann. died June 1807 *Æt.* 83, and with him terminated a race of princes proverbial for misconduct and misfortune.

With a show of clemency and of confidence, government remitted to Scotland the task of pronouncing finally on the fate of those who had been exempted from the general act of grace. The first grand jury that sat under the British treason act met at Edinburgh on the 10th of October one thousand seven hundred and forty-eight, to take cognizance of the charges against such rebels as had not surrendered. It consisted of twenty-three good and lawful men chosen out of forty-eight who were summoned; twenty-four from the county of Edinburgh, twelve from Haddington, and twelve from Linlithgow. The court consisted of three justiciary lords, of whom Tinwald (justice-clerk after Milton's resignation) was elected preses. Subpoenas under the seal of the court, and signed by the clerk, were executed on a great number of persons in different shires, requiring them to appear as witnesses under the penalty of L.100 each, and about a dozen were brought from England by a king's messenger. The preses named sir John Inglis of Cramond foreman of the jury, who was sworn first, in the English manner, by kissing the book, the others followed by three at a time; after which, his lordship, addressing the jurors, informed them that the power which his majesty's advocate possessed before the union, of prosecuting any person for high treason, who appeared guilty upon a precognition taken of the facts, being now done away, that power was lodged with them, a grand jury, twelve of whom behoved to concur before a true bill could be found.

An indictment was then preferred in court, and the witnesses indorsed on it were called over and sworn; on which the jury retired to the exchequer-chambers, and the witnesses were conducted to a room near it, whence they were called to be examined separately. Mr. Mastermen of London and Mr. Alston of Edinburgh, solicitors for the crown, were present at the examination, but none else, and after they had finished, and the sense of the jury was collected, the indictment was returned "a true bill," if the charges were found proved, or an "ignoramus" if doubtful. The proceedings continued for a week, in which time, out of fifty-five bills forty-two were sustained and thirteen dis-

missed. The lord advocate, on relieving the jury from their duty, thanked them, and told them that he had directions from his superiors to present no more bills against any of the persons exempted from the act of grace, and he believed it possible—very possible, that none of those gentlemen would meet with further trouble, provided their behaviour was such as not to provoke government.

External peace allowed time for consolidating the internal tranquillity of Scotland. Ten thousand pounds were voted by parliament to the town of Glasgow in consideration of their eminent loyalty and suffering; and the court of session devoted the most unremitting attention in settling the claims upon the forfeited estates; these consisted of real or fictitious debts, marriage settlements, entails, misnomers, and every species of incumbrance or right which legal ingenuity could muster up by which the property might be retained in the family. The judges, with a natural, if not a laudable feeling for the sufferers, sustained in general the pleas when the law allowed of any favourable construction; and even in some of those which were reversed, it is doubtful whether the merciful construction of the court below were not more consonant to equity than the ultimate decision of the lord chancellor, especially considering that the forfeiture of minors under entail was an innovation upon Scottish law and practice.

The conduct of the Scottish court did not however escape imputations of partiality, which were strongly insinuated against them in the debates upon an act passed in March\* 1752, for annexing certain forfeited estates in Scotland to the crown unalienably, and for making satis-

\* Hitherto the legal year in England had commenced on the 25th day of March; this year 1752, as in Scotland, and the nations on the continent, it began with the 1st of January, and the Gregorian style was adopted by dropping eleven days in the month of September, reckoning the third as the fourteenth, which henceforth became the common mode of computation, though the Scottish vulgar were long unwilling to accept an alteration which seemed to "homologate" the right of the man of sin to alter times and seasons, and long sturdily adhered to the old style.

faction to the lawful creditors thereupon, and to establish a method of leasing the same, and applying the rents for the better civilizing and improving the highlands of Scotland, and preventing future disorders there. These were the chief estates upon which the claims had been rejected, and the forfeitures confirmed by the house of lords, the duke of Perth's, earl of Cromarty's, Lovat's, Lochiel's, Kinlochmoidart's, Macpherson of Cluny, and several others whose owners had exhibited the most unequivocal and indefensible jacobitism. The yearly income of these estates was to be applied as the king and his successors should direct, by their sign manual, for promoting among the highlands and islands of Scotland the protestant religion, good government, and manufactures; for which purpose commissioners were to be appointed, without salaries, to manage the estates, but who were to nominate stewards, with an allowance not exceeding 5 per cent. of the rental, and clerks and other officers with salaries. Leases were to be granted for any term not exceeding twenty-one years, at not less than three-fourths of the real annual value, and not above twenty pounds a year, to any one person, excepting mines and fisheries; the lessee to be a residenter, without the power of subsetting or assigning his lease.

Considerable astonishment was expressed, when a statement was laid before the house of commons, at the amount of the mortgages upon these estates, which, in several instances, exceeded their value; and the spirit of the government [then directed by Mr. Pelham] must be considered as anything rather than vindictive, when these claims, although known to be fraudulent, and made by trustees for the use of forfeiting persons, were yet protected. Nor was the remark of the duke of Bedford altogether groundless, "that if, after having paid £10,000 to Glasgow for the kilts and bonnets furnished the rebels, £152,000 to the nobility and gentry for heritable jurisdictions, England should now pay more than both these sums put together for planting religion and loyalty in the highlands of Scotland, it would be for the interest of that portion of the

kingdom to have frequent rebellions." This bill did certainly contribute much to the prosperity of the country, although one of the proposed objects, that of preventing for ever the return of their ancient inheritances to the heirs of the rebels was, by the generosity of a succeeding administration, at once dispensed with and rendered unnecessary.\*

Already, however, the process of improvement had begun to accelerate in the more genial soil of the south, where the capital of right took the precedence. The city itself this same year began to be new modelled, and Committees were appointed to draw out a plan and procure an act of parliament for carrying on what was then considered a national work. Two banks before the year 1746 had been established; since then, the British Linen Company had been added, which also issued notes; and the following branches of trade and manufactures had been introduced: the rope and sail cloth manufacture, the iron and carpenter manufacture, the whale fishing company, the gold and silver lace company, the glass and soap works, and the herring fishing. The tonnage at Leith, which in 1744 had amounted only to two thousand two hundred and eighty five, in 1752 was five thousand seven hundred and two, and a direct communication had been opened with the West Indies.

Linen, which continued still the staple, had during the same period increased by more than half a million sterling in the amount of its sales, while the turnpike roads afforded a facility of intercourse unknown before this period, perhaps one of the surest commercial criterions of a nation's advancement.† Agriculture advanced too, not in one or

\* No other proceeding of parliament, during the intervening years, related to Scotland as a distinct member of the empire.

† A stage coach commenced running between Edinburgh and Glasgow, 24th April 1749. It set out from Edinburgh every Monday and Thursday, and left Glasgow every Tuesday and Friday; each passenger paid 9s. and was allowed one stone weight luggage. A carriage was "set up" in July the same year, to run twice a week; 5s. for passengers, and an equal quantity of luggage; but the business between the two cities could not then afford such rivalry, and it was soon knocked up.—Scots Mag.



two districts only, but throughout the whole country, and the invigorating influence of the money which the rebellion had caused to circulate was felt in every corner of the body politic. Glasgow was increasing in importance, although it had not as yet attained that commercial eminence for which her situation is so admirably adapted, and to which the spirit of enterprise, now awakened, was hereafter to raise her. The introduction of inkle-weaving, which an adventurous individual, Mr. Alex. Heron, brought from Haarlem at the risk of his life, was the feeble type of her future manufactures, being the first step which was ventured in this country beyond the track prescribed by the board of trustees. One printfield was added in 1742, and the western metropolis had the honour at the same time to bear away the palm of typography and type-founding; nor have later years produced more elegant or correct editions of the classics than about this date issued from the presses of Urie and Foulis.\* But her tobacco trade had attracted the opposition and envy of the London and Liverpool merchants, whose selfish and vexatious misrepresentations induced the treasury to interfere, to harass for a time, but eventually to establish, the unimpeachable integrity of the Clyde importers.†

Church politics during this period also underwent a material revolution. Formerly the Scottish ministry contained a number of men, allied to the first families of the country by birth, who had private patrimonies of their own to aid their support, and their object in undertaking the

\* A silver medal given by the Edinburgh Society for the Encouragement of Arts, Sciences, &c. for the best printed book in Scotland, was gained by Messrs. Foulis, 1756, for an edition of the hymns of Callimachus, Greek.

† Among the remarkable of the year 1746, stands recorded the following: "Robert and George Forresters, chapmen, debtors to some Glasgow merchants in between five and six hundred pounds sterling, were found fraudulent bankrupts by the court of session on the 23d July, and ordained to be pilloried at Glasgow on the 10th of August, and then transported to America for seven years.—Scots Mag. Had succeeding years been equally rigid, the spectacle, I doubt, would not have been so rare.

holy office was less to procure a living, than to labour in a cause in which their heart was engaged; or if they had an ambition for distinction, that was only to be obtained by a laborious discharge of parochial duties, and the exercise of popular pulpit talents. But now,—from the more intimate connection with England, and the sources of honourable and lucrative employment which this opened up, from the influx of wealth, and the spirit of agricultural and commercial enterprise now awakened at home, the scope for adventure in the colonies, in the army and navy, together with the field of opportunity at the English or the Scottish bar,—the younger branches of the nobility and landed interest were allured to other occupations, while the new style of living introduced, and the more expensive, luxurious, and licentious modes of fashion borrowed from their neighbours, required incomes which the emoluments of the Scottish church did not produce. The candidates, therefore, for the ministry, sprung chiefly from the ordinary and lower ranks of life, and a majority began to consist of those whose only aim was to obtain the rank and influence of gentlemen, from which, in almost every other direction in their native land, their birth and the prejudices of their country still excluded them.\* Leaving to the re-

\* Lindsay, M. P. for Edinburgh, inveighs against the manner of supplying churches in his day.—“When one minister dies at least three young men are licensed: the reason of this seems to be, that mean people, out of vanity, because some of their relations are ministers, will educate a son in this way, to push him into a rank in the world above his birth and condition. And to effectuate this, all his acquaintances are teased with constant solicitations to procure a bursary for this hopeful boy, because his parents are not able to give him such an education. This bursary serves him for bread, and mean bread it is, during his four year's attendance at the university; and then another must be procured to maintain him other four years at the divinity hall. After this, and perhaps sooner, they get into some family as chaplain or tutor to a young gentleman. So many as can procure business of this kind are in a fair way of success; but many are forced to take up with a private family, or an old widow gentlewoman, and serve her as chaplain for his diet; and by assisting a few boys at public schools to get their lessons, pick up as much as keep them in clothes. What can be expected from such a poor education, and so low a way of life? The public suffers

mains of the orthodox, and to the seceders,—who, in the midst of all their blunders, never neglected to cherish and lean on that antiquated arm of power,—the affections of the people, a majority endeavoured about this date to meet the exigencies of the times by strenuous exertions for an augmentation of their stipends.\* They did so at a most unfortunate juncture, and managed it with little of their usual prudence.

Scarcely had the rebellion closed, when the subject was agitated; and presuming upon the gratitude of government, they ventured to encounter the opposition of the whole landholders. If they had waited for a few years, till the prospects of the country had begun to brighten, and it had felt something of the genial influence of an almost un hoped for prosperity, their claims, which were not unreasonable, would most probably have met with a very different reception; but before the country had recovered from the shock of intestine warfare, it was deemed exceedingly ungracious to bring forward such demands; and when, instead of applying to the court of session, they determined to petition parliament, there was not a county meeting in the country that did not produce representations and petitions against them.

greatly.” “The settlement of vacant parishes, ever since that by this so great overstocking of clergymen so many competing candidates appear for every vacancy, has also been the cause of so much strife and debate,” &c.—*The Interest of Scotland Considered*, p. 117, et seq.

\* Had the two parties in the church decidedly separated upon this point, and those who contended for purity of principle uniformly shown a repugnance to alienate the minds of their flocks by urging their claims for augmentation of stipend, they might perhaps have regained an ascendancy in the church, but as numbers of them joined their brethren in this obnoxious procedure, their merely voting with the high-flyers in points of doctrine or discipline, that did not go to affect their pockets, did not tend to raise their credit with the public. What gave rise to much sarcastical remark at the time, was the transmission of the overture from the synod of Glasgow, in which the plan originated, along with another, for the more frequent dispensation of the sacrament of the Lord's supper.

The measure which they urged most strenuously, though apparently the fairest, was one which would have tended to paralyse the infant vigour of agricultural and commercial improvement, but it fortunately for the country, was resisted with success. They wished that a general minimum should be fixed proportionate to the increased wealth of the country, which would have formed a precedent for future applications. The landed interest strongly opposed this, and contended that particular parishes should be augmented according to their extent and their means, and that the amount of these augmentations should be left, where it was by the act of 1633 in the hands of the court of session. But the assembly of 1750 resolved on applying to parliament, and appointed commissioners, at whose head was placed Dr. Cummin, professor of church history in Edinburgh, to repair to London and forward their object, who accordingly repaired to the capital. In their intercourse with government, these gentlemen most injudiciously represented the opponents of their bill, who were nearly the whole nobility and gentry of Scotland, as actuated by infidel or jacobitical principles, and concluded a memorial, which they gave in to the ministers of state, by telling them that "they, [the Scottish clergy,] had hitherto been distinguished for their firm attachment to his majesty king George and his royal family." "Some of them had ventured their lives in that cause, many suffered in their substance, and all been remarkably loyal. They did their duty, but they did it with zeal and courage," and concluded thus:—"They are the objects of the hatred of the jacobites, which they despise; but would be unhappy, indeed, if they should be neglected by the government, and not only insulted by its enemies, but also disregarded by its friends. The consequence thereof must be, that, being disappointed, they will be dispirited; few will study for the ministry; some will give it up; and those who continue in it will, from the meanness of their circumstances, be incapable of having any prevailing influence upon their people: for the poor man's wisdom is despised, and his word is not heard."

The earls of Morton, Lauderdale, and Hopeton, with Messrs. Hope Weir, Dundas, and Murray, the Mid-Lothian committee, were instructed to oppose the application, and accordingly met it by asserting;—that although the application was voted by a majority of the general assembly, yet that they had good grounds to believe it was come into contrary to the opinion and inclination of many of the wisest and most prudent of the clergy themselves; that great numbers of noblemen, gentlemen, freeholders, and heritors in Scotland, looked upon the attempt to be an open attack and violation of their properties, and altogether unreasonable and unnecessary, as, by the laws made before the union, and still in force, a very sufficient and ample provision was made for the maintenance of ministers, and for the augmentation of such of their stipends as had not been legally modified.

These assertions were made with many expressions of affection for the national church, and respect for her humble pious ministers, a great majority of whom were represented as content with their stipends, and averse to measures which could only produce dissension between the landed gentlemen and the clergy, whose very best interests it would injure, while it would merely gratify the selfish worldly ambition of a few. The commissioners were at the same time flattered by an interview with the king, and professions of high regard from the ministers; but after they had been amused for some months in London, they had the mortification of returning without having effected any thing, and perceived that they had overrated their importance with government, when they imagined their alliance would be preferred to that of the county freeholders.

An attempt to engross the entire management of the poors' funds, independently of the heritors, was likewise decided against the ministers, who, from this date, politically cultivated the natural support of the landed proprietors for the establishment, instead of attempting to beard them. In an action brought by the heritors of the parish of Humbie

against the kirk-session, the lords gave judgment, February 15, 1751, and found that the heritors have a joint right and power with the kirk-session in the administration, management, and distribution of all and every of the funds belonging to the poor of the parish, as well collections as sums mortified for the use of the poor, and money stocked out upon interest, and have right to be present and joint with the session in their administration, distribution, and employing such sums; without prejudice to the kirk-session to proceed in their ordinary acts of administration and application of their collections to their ordinary or incidental charities, though the heritors be not present nor attend; but, for the better preventing the misapplication or embezzlement of the funds belonging to the poor, they also found, that when any acts of extraordinary administration, such as uplifting of money that hath been lent out, or lending or re-employing the same, should occur, that the minister ought to intimate from the pulpit a meeting for taking such matters into consideration, at least two days before holding of the meeting, that the heritors may have opportunity to be present and assist as they think fit. The moderates were more successful in securing the complete ascendancy in other ecclesiastical matters, after which for many years they had been visibly aspiring.

Debarred from all prospect of obtaining more than a competence in the church, while the general and increasing laxness of religious habits among the higher ranks precluded every idea of attaining eminence or power from the rigid exercise of their ministerial functions; a new race of leaders who had sprung up—young men of superior abilities, but of no family—sought to gratify their ambition by engrossing the power, and to exhibit their talents, in conducting the business of the venerable court, now the only popular assembly in Scotland, adapted for such a display; and supported by a majority of young gentlemen, who exercised their gifts as ruling elders, to prepare themselves for the house of commons or the bar, maintained an overpowering majority, while the talents of their opponents rendered a

contest reputable, and a victory no mean triumph.\* The subject of patronage furnished an ample field for the disputants.

In the act against violent intrusions, 1736, it had been solemnly affirmed that the intrusion of a minister against the inclinations of the people was in direct opposition to what has been the principle of the Scottish church ever since the reformation; yet in the face of this declaration, very little regard had been paid by the venerable court to any complaints against such settlements, and the consciences of the scrupulous were satisfied with protesting against its authorised violations by the assembly, and by not being present at or sanctioning what they did not approve. Where presbyteries refused to induct the obnoxious intruder, the assembly, from some small remains of shame, winked at the disobedience of their injunctions, and a committee of the commission less precise was usually appointed to perform the disagreeable duty, and relieve the presbytery from the hatred of the dissatisfied parishioners. The last indulgence of this kind was allowed to the presbytery of Linlithgow in 1751, who refused to settle the presentee in Torphichen, but it was accompanied by a censure, against which principal Wishart, Mr. Rob of Kilsyth, and other twenty protested, "because whatever privileges the church of Scotland has by law, these can never make her a merely voluntary or merely legal society, so as to be governed only by rules of her own making, or only by civil rules, or by both together, but she must still be reckoned part of the church of Christ, and therefore censures of the church are never to be inflicted but upon open transgressors of the law of Christ; that as protestants they acknowledged the infallibility of no supreme judicatory, for their engagement to obedience to the judi-

\* The rising leaders of the moderates were Drs. Robertson, the historian, Blair, Drysdale, &c. Those of the high-flyers, Dr. Witherspoon, of Paisley, afterwards president of the college of New Jersey, author of the *Ecclesiastical Characteristics*; one of the few polemical works distinguished for genuine wit. Drs. Erskine, Macqueen, author of *Letters on Hume's History*, &c.

catories of this church, is with the express limitation of its being in the Lord, and there are many ways whereby the sentences of the supreme court may take place, without bearing hard on the consciences of such as do not see with the eyes of the majority, or rather who think what is commanded not only unlawful in itself, but sinful in them to execute." The assembly, however, would not suffer it to be read.

The ruling party did not appeal either to the standards of presbytery, or the authority of the New Testament; they had been long striving to introduce the principles of civil policy, and the natural rules of political society, into the church of Scotland, as more agreeable to the superior acquirements of a polite age, than the antiquated maxims of their forefathers and their rustic apostles. These sentiments they openly avowed in a manifesto published during this year as their reasons of dissent from an act of the commission respecting the settlement of Inverkeithing; which deserves particular attention as the last decisive struggle made by the constitutional party in the church against the unqualified admission of lay patronage.

Mr. Andrew Richardson having obtained a presentation from the patron of the parish of Inverkeithing, the commission, which met in November, appointed the presbytery of Danfermline to admit him to that charge on the third Monday of January 1752, under the threat of a very high censure. Against this order two members of that presbytery appealed, and several members of the commission entered their dissent; and as the parishioners were almost unanimous in their opposition, it was not carried into effect. A petition was in consequence presented from the patron and some non-resident heritors to the commission in March, complaining against the presbytery, and craving that they might be censured, and the sentence of the commission made effectual. A strong attempt was made by the constitutionalists to get the whole referred to the ensuing assembly, but the commission found that they had power to carry their own sentence into effect, and likewise to judge of the conduct of the presbytery; and they appointed the synod of Fife, at



their next ordinary meeting, to adjourn to Inverkeithing, in order to Mr. Richardson's settlement before the 1st of May, and to report to the assembly; but their opponents carried it not to inflict any censure upon the presbytery of Dunfermline. With this forbearance the moderates were violently displeased, and in reasons of dissent, ascribed to Dr. Robertson, complained loudly that it was destroying the basis of all society and government, and particularly of the subordination of judicatories in presbytery, which required unqualified submission from the inferior courts to the decisions of the supreme, and implicit obedience, except only in a case of such gross iniquity and manifest violation of the original design of the society, as justifies resistance to the supreme power, and makes it better to have the society dissolved than to submit to established iniquity.\* The other party of the commission replied to these reasons, and the synod not obeying the injunctions of the commission, the whole came before the assembly that met May 1752.

It had always been understood that the leaders in that court took their instructions from some of the officers of state, generally known by the descriptive epithet of "the managers:" on the present occasion, the earl of Leven, twelfth time commissioner, in his opening speech, explicitly directed them to support the dignity of the church, by putting a stop to the disobedience of the inferior courts to the supreme judicatory; and the venerable court followed his lordship's directions by approving the dissent from the proceedings of last commission, and upon a complaint from the patron, voted, by a majority of 102 to 56, that the presbytery of Dunfermline should proceed to Inverkeithing, admit Mr. Richardson on the Thursday, that five should form a quorum, and each minister appear at the assembly bar on Friday at twelve o'clock, to give an account of his conduct. From this decision two ministers and one

\* They were signed by William Robertson, John Home, Hugh Blair, John Jardine, &c. ministers; the Master of Ross, Lord Provost of Edinburgh, Dr. Whytt, &c. ruling elders.

ruling elder dissented, “ As making a very material alteration in the constitution of the Scottish church, according to which three ministers are sufficient for constituting a presbytery ; as bringing those ministers of that presbytery who had openly declared they could not with a good conscience concur in that settlement, under the unhappy necessity of disobeying an express appointment of the assembly ; and lastly, as preventing Mr. Richardson’s admission from taking place, seeing it was well known that three ministers of that presbytery were ready to admit him, had the appointment run in general terms, without extending the quorum to five ;” thus forcing the concurrence of unconvinced men, in an act, which, to them, so situated, was undoubtedly sin ;—an instance of the wanton abuse of power, more worthy of popish than of protestant divines, but which formed an appropriate prelude to the subsequent parts of the transaction.

When the ministers returned, they reported, that of their whole number only three had attended, who not being a quorum, they did not proceed. Of those who had absented themselves, several presented excuses which were received ; but six pleaded conscientious scruples, and gave in a humble representation, stating ; “ that from their own acts and resolutions entered into their records, it was evident that the law of patronage had been considered as no small grievance, and inconsistent with the union-settlement. And reduced as they were by the intolerant mandate of the assembly to this unhappy dilemma, either of coming under the imputation of disobedience to a particular order of their ecclesiastical superiors, or contributing to the establishment of measures which they could neither reconcile with the declared principles nor true interests of the church, they deemed it their duty to follow the dictates of conscience, and adhere to the established constitution.”\*

\* The following clause which they quoted from the act of assembly 1736, declares, “ that it is, and has been since the reformation, the principle of this church, that no minister shall be intruded into any parish, contrary to the wish of the congregation ; and, therefore, it is seriously recommended to all judicatures of this church to have a due regard to the said principle in planting vacant congregations,—so as none be intruded into such parishes, as they regard the glory of God and

The moderates were, however, determined to enforce unconditional submission, and treated the plea of conscience at once with unbecoming levity in their debates, and unwarrantable disregard in their sentence; and while they affected to venerate the practice of their predecessors during the purest period of the church, pursued methods which these predecessors would have resisted to the death. The six brethren concluded their defence in language becoming the station they assumed as witnesses for truth: "If the venerable assembly," say they, "shall on this account judge us guilty of such criminal disobedience as to deserve their censures, we trust they will at least allow that we have acted as honest men, willing to forego every secular advantage for conscience sake. In such an event, this, through grace, shall be our support, that not being charged with any neglect of the duties of our ministry among those committed to our care, we are to suffer for adhering to what we apprehend to be the will of our great Lord and Master, whose we are, whom we are bound to serve in all things, and on whom we cast all our care."

The reply of the assembly was a vote to depose one of the number as an example; and, "after prayer for light and direction," Mr. Thomas Gillespie, minister of Carnock,—“one of the most inoffensive and upright men of his time, equally zealous and faithful in his pastoral duties, as in his private life he was irreproachable; charged with nothing but being absent from Inverkeithing on the day appointed for the induction of the presentee,”† was, by the general assembly, “in the name of the Lord Jesus

the edification of the body of Christ.” Sir Henry Moncreiff-Wellwood, who apparently wishes to soften down the harsh conduct of Principal Robertson and his party, in remarking on this act, produces one of the most severe charges against those by whom it was enacted, that can be brought against any legislative body. “It is scarcely conceivable,” he says, “that this act could have done more than sooth the discontent of the people by conciliating language; unless more could have been attempted than perhaps was practicable, and unless it had been followed up by a train of authoritative decision,” which, “he adds, “was far from being intended!”—*Life of Erskine*, App. p. 449.

\* *Moncreiff's Life of Erskine*, App.

Christ, the sole king and head of the church, and by virtue of the power and authority committed by him to them, deposed from the office of the holy ministry !” Mr. Gillespie listened with becoming gravity, and replied,—“ Moderator, I desire to receive this sentence of the general assembly of the church of Scotland, pronounced against me, with real concern and awful impressions of the divine conduct in it; but I rejoice that to me it is given on behalf of Christ, not only to believe on him, but also to suffer for his sake.” He then with unaffected humility submissively retired, and resigned, without a reproachful or murmuring expression, all the temporal emoluments of his charge. On the Lord’s day following, he would neither enter the church nor allow the bell to be rung, but preached in the open fields to an immense concourse of people assembled from both sides of the firth, and from many miles distant; his text was 1 Cor. ix. ver. 16. “Necessity is laid upon me: yea wo is unto me if I preach not the gospel.” He told his hearers that though the assembly had deposed him from being a minister in the established church, for not doing what he believed it would have been sinful in him to do; yet he hoped through grace, no public disputes should be his theme, nothing but Jesus Christ and him crucified, desiring at all times to remember, that the wrath of man worketh not the righteousness of God; nor did he make any further allusion to his own case, but proceeded to enforce the great truths of the gospel; and the writer of this work has heard some who were present that day, many years after, when far advanced in life, speak most feelingly of the universal stillness that pervaded the audience, and of the solemn delight with which they themselves listened to that sermon.

Mr. Gillespie, thus thrust out of the national church, showed no inclination to form a party, but continued for several years to stand alone, officiating in a meeting-house in Dunfermline, (which after his death became a chapel of ease,) till Mr. Boston, minister of Oxnam, son of the venerable Boston of Ettrick, accepting of a call from the people of Jedburgh, while another had the presentation,

gave in his demission to the general assembly and joined him. In 1761 they two formed themselves into a presbytery, and admitted Mr. Collier to the charge of a congregation formed at Colinsburgh in Fife, in consequence of another violent settlement, and from that time a new body of dissenters separated from the church, known by the name of "the Relief," who soon received an accession of numbers, and to this day continue to increase, not differing in their principles from the established church, except in the article of patronage and more extended communion, and in these particulars affording relief to congregations oppressed in their christian privileges.

The circuit justiciary court had already commenced, and had carried the terrors of the law to the north, where their proceedings against the heretofore venial trespasses of sheep-stealing, or the more heroic acts of cattle lifting, were inveighed against as cruel and rigorous inflictions. But unhappily in the west, one trial occurred this year, to which the epithets were not altogether inapplicable. It partook of the spirit of the abolished jurisdictions, and was the only one at which a lord justice-general presided.\* Colin Campbell of Glenmore having been appointed by the barons of exchequer factor upon the forfeited estates of Ardsbill, Mamore, and Callart, according to their directions, removed from their estates the chief tenants who had been engaged in the rebellion; which occasioning universal discontent in these districts, in the month of May Campbell was treacherously shot from behind a tree, while passing on horseback, through a wood on the farm of Lattermore, in Duror, Argyleshire, accompanied by Mr. Mungo Campbell, writer in Edinburgh, Donald Kennedy, a sheriff officer, and attended by a servant. Suspicion immediately attached to Allan Breck Stewart, who had deserted from the

\* The lord justice-general is always a peer of the most distinguished rank or influence. "The office bears a similar relation in the court of justiciary to that of one of the extraordinary lords in the court of session, and like these too ought to be abolished." *Arnot's Hist. of Edin. Of the Court of Justiciary*, book. IV. chap. i.

royal to the rebel army, and after the battle of Culloden entered as a cadet in the French service, but was then on a visit to his native country, and James Stewart of Aucharn, natural brother of Charles Stewart of Ardshiel, who had been removed by Campbell from his farm. The former, who was said to have perpetrated the deed, escaped to France, the latter, who was supposed accessory, was arrested within a day or two after the murder.

Between the Campbells and Stewarts there existed a deadly feud, and in ordinary times this would have been reason sufficient for removing the trial of the accused from Argyleshire to Edinburgh, while a regard to appearances at least should have precluded the duke from presiding; but in despite of all decency, Stewart was brought before the court at Inverary, eleven of his jury were Campbells, and his grace sat as chief judge! The proofs of his previous knowledge of the murder were merely presumptive and circumstantial, hardly sufficient to have justified a public investigation, but certainly far from being satisfactory for producing a verdict, yet the unhappy man was condemned to be hung in chains. He died declaring his innocence, and a numerous party were inclined to believe his protestations.\*

The fate of Lochiel's brother [Dr. Cameron] called forth still more unmingled sensations of pity. He had returned, as was supposed, on purpose to rescue, for his orphan nephews, some portion of the wreck of their father's property; but being apprehended in the highlands, was sent to London, arraigned upon the act of attainder, and executed June 1753. It appears however, now, that he rushed on merited death, by undertaking even a wilder and more foolish commission than what had ruined his chief,—that of an offer of arms from Prussia for the disaffected highlanders. Intelligence had been received of his intended journey some time before, and two sloops had been stationed to watch, yet he eluded them. After his condemnation, several petitions were presented for him in vain, the government, though otherwise mild, choosing rather to suffer the obloquy of

\* Printed Trial.—Scots Magaz.

a severe execution, than to disclose at the time the cause of their rigour.\*

A new era was, however, about to arise for the highlands, when that spirit which had hitherto been only exerted to increase the disorders of the country, and had wasted itself successively in private quarrels or public rebellions, was to be directed to nobler purposes; and the brave mountaineers were to illustrate the glory of their native land in the most distant and opposite quarters of the globe; while the improvement of their fellow subjects, the lowlanders, in more peaceful arts and pursuits, was to emulate their military fame.

France had closed with honour the late war in Europe, but looked forward to the consolidation of her power in America and the West Indies; as the advantages which Britain derived from her colonies were too important in maritime warfare to have escaped jealous rivalry. In these quarters, and in the east, the hostilities had scarcely been suspended, and hollow negotiations were carrying on between the two courts when Mr. Pelham died. The duke of Newcastle succeeded to the whole responsibility, and a new parliament, which met in May, continued to him the support their predecessors had given to his brother.† From the encroachments of France

\* Scots Mag. 1753, Smollett. Walpole's Memoirs of Geo. II. vol. ii. p. 290.

† Of the election in Scotland a singular trait is preserved probably unique in the history of burgh electioneering; it is narrated in an advertisement, and deserves to be recorded. "Queensferry, 16th January 1754. The magistrates and town council of Queensferry being this day convened, and taking into their serious consideration the many dismal effects that follow upon the canvassing and pothering for votes in several boroughs, with a view to the ensuing general election of members of parliament, such as the raising and fomenting of animosities, grudges, and feuds among neighbours whose happiness, in a great measure, depends on their mutual peace and good-will; the corrupting the consciences, and debauching the minds of severals by bribes and excessive drinking; taking them off their proper callings and the ordinary means of providing for their families; and habituating them for sometime to a luxurious and riotous manner of life, to the endangering of their health and the weaning of their affections from their ordinary bu-



it was evident that war could not long be avoided, and they were liberal of their supplies, though it was not till next year, that active measures of hostility were undertaken. In the month of March 1755, a royal message acquainted the house of commons that his majesty had found it requisite, from the state of affairs, to augment his forces, and the intimation was met by the most affectionate assurances of support; the insults and injuries that France had heaped upon the colonies were universally resented, and the whole empire united in demanding reparation; and so cordial were the people in their desires of humbling their rival, that when the king, in his speech on their re-assembling in November, announced the probability of the flames of war spreading to Europe, they were willing to indulge his majesty's predilection for his paternal acres, and subsidize half the powers of the continent to protect Hanover from any attack the French might meditate in revenge for the opposition Britain offered to their favourite scheme of foreign empire.

Amid the preparations for war Europe was appalled by one of those tremendous visitations with which God sometimes afflicts a guilty world,—in the end of the year an awful earthquake, or rather series of shocks, were felt from Iceland to the confines of Turkey; but the most dreadful effects were experienced at Lisbon, the greater part of the city being destroyed, and as if to mark with Heaven's own solemn imprint of vengeance, one of the most terrific blasphemies of Rome, on the very day on which an auto de fe was celebrated, the earth opened and swallowed up alive nearly ten thousand of the deluded votaries of that bloody

siness; besides the loading the candidates with an intolerable expense, and thereby exposing such of them as succeed to a violent temptation of somehow or other getting themselves reimbursed; and as the members of this town council are already resolved upon colonel George Haldane as the gentleman they propose should represent them in the next parliament, they make this public intimation, that such as are concerned in knowing it may save trouble and expense to themselves, as the council is determined to admit of no further solicitations or potherings on that head. Signed in name and by desire of the council, by James Murray."



superstition; and it is not unworthy of remark, that many of the chief protestants who had left the city to avoid being insulted by the rabble during the festival, escaped being involved in the more tremendous ruin; in Scotland, it was felt merely in the agitation produced upon some of the lochs, whose waters rose and fell without any apparent cause.\* The British parliament, with a generosity becoming a great and free people, voted one hundred thousand pounds for relief of the sufferers,—which was immediately transmitted, a considerable portion in provisions and necessaries for immediate use,—and then proceeded to vote as supplies ten times the sum, to be employed in carrying misery and desolation to a much wider extent than had been done by the fearful convulsions of nature; this was followed by an act for the speedy and effectual recruiting of his majesty's land forces and marines, empowering commissioners to impress for the land or sea service all able bodied men who did not follow any lawful calling, or possess some lawful means of subsistence, of which they were the judges,—a power capable of much abuse, and which in some instances gave rise to great oppression.

No portion of the empire evinced greater zeal than Scotland for the prosecution of the war; almost every town and county, besides numbers of the nobility, vied with each other in offering bounties for the land and sea service, yet no sooner were the pressgangs let loose than scenes of riot and outrage pervaded the country. Before the union, no such thing as forcibly haling a man from his family and friends, without a crime

\* On the 1st of November, Loch-Lomond, all of a sudden, and without the least gust of wind, rose against its banks with great rapidity, and immediately retiring, in about five minutes subsided as low in appearance as ever it used to be in the greatest drought of summer; in about five minutes it returned again as high, and with as great rapidity as before. The agitation continued in the same manner from half an hour past nine till fifteen minutes after ten in the morning, the waters taking five minutes to subside, and as many to rise again. From ten to eleven o'clock the agitation was not so great; at about eleven it ceased. The height the waters rose was measured immediately after, and found to be two feet six inches perpendicular. Loch-Long, Loch-Katrine, and Loch-Ness, were also violently agitated.

alleged, and sending him to serve abroad, or in the standing army, was ever heard of; when obliged to take arms it was in a levy which comprehended the whole fencible men of a district, but now, under the pretext of being without any lawful employment, or being seamen, for having occasionally engaged in fishing, numbers of industrious peasants or labourers were torn from their homes, and dragged to the most painful exile or slavery, and what rendered it particularly obnoxious, the sanctity of the Sabbath, and even the sacredness of divine service was violated by these myrmidons, backed by the military, and screened by the law. At Perth, a party of soldiers were brought into the town, and upwards of forty young men, servants and apprentices, were seized and carried to the barracks, where the greater portion enlisted through fear. At Dundee, the town was surrounded by a battalion of foot, and a similar seizure made. In the vicinity of Edinburgh, a church was surrounded during divine service and several carried off; and, throughout the country, a number of equally gross outrages were committed, the only favour allowed to pressed men, in many instances, being that of choosing the land or sea service. Several applications made to the court of session were ineffectual for procuring redress; the men were found to be soldiers under the act, and though proved to have been trepanned into the service, were gravely pronounced to be beyond the power of liberation—but they might have recourse against the recruiting officers! Great exertions were however made by the county gentlemen to discourage these irregularities, and prevent at least the forcible enlistment of landmen; as a general dread had seized the country labourers, many of whom deserted their employment, and fled to the hills, to avoid a service they viewed with horror. Resolutions were adopted at the county meetings for raising the number required; first by apprehending all the sturdy beggars and able-bodied idlers, and then balloting for any deficiency.

But a disjointed nerveless ministry were incapable of wielding with success the almost despotic powers, and the muni-

ficent resources with which they were intrusted in the first years of the war did not answer the expectations of the people; the French gaining at all points and defeating the expeditions sent against them in 1758 and 1759. Meanwhile fresh ecclesiastical commotion

The ruling party in the church were not distinguished for their unmitigated severity towards the conscientious scruples of their brethren, than for their bounded liberality towards the sceptical philosophers and literary associates,—who, led astray by the fall of French genius which engrossed the then reputation of Europe, were anxious to distinguish themselves, by introducing similar “enlightened” principles among their bigotted countrymen; and the orthodox ministers, who viewed with a natural jealousy the intimacy that subsisted between the ostensible mass of the church and their moderate brethren; though they did not arraign this intimacy as an ecclesiastical crime, yet in their courts, arraigned the latter at the bar of the public, and their indifference in several small publications, created such a sensation as rendered it necessary for the general assembly to notice the subject. They did so in an act expressing their utmost abhorrence of the impious and infidel principles, which are subversive of religion, natural and revealed, and have such influence on life and morals; and earnestly recommended to all the ministers of the church of Scotland, to be on the watch and exert the zeal which became their characters, to preserve those under their charge from the contagion of these abominable tracts.

It was attempted to follow this up next year by a censure upon David Hume. The formal exclusion of a man from the established church, however denominated, innocuous, or fanatical, even yet involved inconvenience to the intercourse with respectable society in the capital, to which neither Hume nor his friends were exposed. Every exertion was therefore used to avoid the sentence which must have ruptured their connection. The skill of his friends was not a little displayed

manner in which they contrived to evade what they could not with credit oppose.

After a debate in the committee of overtures ;—in which they urged that as Mr. Hume had thrown off the profession of christianity he was to be considered one of those, who, in scripture language, are said to be “without,” and so not proper objects of christian discipline ; and to which it was replied, that professing christians did ordinarily hold voluntary unnecessary communication with him, and even ministers were seen freely conversing with him, which, it was presumed, they would not do if he were publicly censured, and that the end of discipline is to separate the members of the church from her avowed enemies ;—they procured the motion to be negatived, for this, among other reasons, “that it would greatly please the man himself, and promote the sale of his book.” The major part acquiescing in what was certainly the most prudent advice, to allow his metaphysical disquisitions to sink by their own weight, nor lend their aid to keep them afloat by controversy.

The religious public were not, however, altogether satisfied ; they thought some more distinct mark of reprobation ought to have been affixed to avowed infidelity—an insult to the established faith of the land till then unknown in Scotland. But they were still more grievously shocked by the appearance of “*Douglas, a tragedy*” written by one of the party, which was acted at Edinburgh to crowded houses, in the winter of 1756, and countenanced by the presence of several of the ministers of the church of Scotland at the theatre. As the delinquency occurred within the bounds of the Edinburgh presbytery, they took instant cognizance of it, by issuing an admonition and exhortation to be read from all the pulpits, addressed particularly to teachers of youth, parents and masters of families, to restrain by every habile mode, such as were under their influence, from frequenting these seminaries of vice and folly, and desiring the youth themselves to beware

pendent Mr. White of Libberton; and wrote to the presbyteries to which the ministers belonged who had been at the play-house, recommending them to take such measures as they should think proper, for supporting the and promoting the usefulness of the holy ministry. The presbytery of Dunse replied with scorn; others complied. Dalkeith prosecuted Mr. Carlyle the minister of Inveresk, who contested the point from presbytery to synod, whence it was carried to the general assembly which affirmed the censure of the synod; and each was recommended to presbyteries "to take such wise and actual measures as may promote the spirit of our holy religion, and preserve the purity and decorum of the ministerial character; and that they take care that none of the ministers of this church do attend the theatre."

Mr. John Home, minister of Athelstaneford, the assembly having, through the interest of the earl of Bute, procured a pension, resigned his charge rather than stand the chance of being deposed; from which, after the active part taken against Mr. Gillespie, it was suspected, even the powerful influence of his party would scarcely have been able to have preserved him.

Failure had hitherto attended almost every warlike attempt of the British, till the voice of the public, loudly for some more efficient arm, to wield the energy of the country, William Pitt, distinguished by the splendour of his eloquence in the house of commons, in compliance with what appeared to be the national choice, was intrusted with the direction of the government. Nor could his administration disappoint the high expectations that had been formed of his ability; his measures were in general concerted with wisdom, and marked by a fearless decision which inspired those to whom their execution was intrusted with a portion of the spirit by which they were planned.

Lord Loudon's regiment had acquired a kind of national reputation on the continent, and had been dispatched to America, where the highlanders were reported to have captivated the Indian allies by the similarity of their garb and nether garments to the rude cinctures of the Cherokees, as they themselves afterwards attracted the admiration

the army by their admirable adaptation for American warfare. Pitt, who perceived at once the advantages to be derived from employing the kilted mountaineers, adopted, without hesitation, the most generous policy for securing their attachment. Not many weeks after he was in office, two highland regiments were ordered to be raised and officered by men who had served in the rebel army. One of the regiments consisted almost entirely of Frazers, and the command of it was given to Simon, late master of Lovat. Archibald Montgomery, brother to the earl of Eglinton, was lieutenant colonel of the other, and their valorous achievements in many a bloody field, evinced the soundness of that great statesman's judgment.\*

Dissensions in the cabinet where Pitt would not yield to be second, occasioned his dismissal for a few weeks, and on this occasion some of the burghs of Scotland exhibited the rare, though not singular spectacle, of addressing an honest ex-minister. From the period of his return in June 1757, till the end of George II., was a time of increasing prosperity at home and glory abroad. The threats of invasion which France had thrown out, were turned into fears for her own shore. Boscawen and Hawke drove her fleets from the ocean, while the British banners waved triumphant on the plains of Hindostan and the heights of Quebec. Yet early in the year 1760, a petty squadron struck momentary terror along the unprotected west of Scotland. Monsieur Thurot, who had signalized himself as captain of a privateer, by his extensive depredations on the British trade, and the daring defence of his vessel against two British frigates, was promoted by the French king to the command of a small flying squadron, and instructed to alarm the coast of Ireland by occasional descents, on purpose to

\* It is foreign from the object of this history to narrate the various services of these, and the other highland regiments, raised at this time and afterwards, in the various quarters of the globe where they pre-eminently distinguished themselves. And would besides be superfluous, as this has been done so amply by major-general Stewart in his *Sketches*, a work to which I refer, and than which, not many more interesting to Scottishmen have lately appeared, notwithstanding a few Celtic partialities, and disputable positions.

attempt was frustrated by the destruction of their fleet off Bellisle. And Thurot, whose plans also had been deranged, appeared in the month of February among the western islands. Being short of provisions he landed at Islay, but paid for the cattle, flour, and potatoes, that were furnished, and treated with the utmost politeness the gentlemen who came on board, even ordering his officers to refund to the full amount for some plunder they had taken. Unwilling to return without attempting something, he landed and took Carrickfergus in Ireland, from which he levied a small contribution; but being intercepted by captain Elliot with an equal force, he was slain in the engagement, and three of his vessels were taken.

The alarm, however, which he had created, and the inability of the people to have defended themselves from so insignificant an armament raised a universal cry among the Scots for a national militia, similar to what had been established in England; and it is not incurious to note among the inconsistent freaks of our politicians, that while they were creating dissatisfaction by forcing the measure on some of the counties of England, they were doing the same by refusing it to those of Scotland. Ere the commotion thus occasioned had subsided, the subject was revived by Mr. Oswald, Mr. Gilbert Elliot, and other northern representatives. Leave was granted in the house of commons to bring in a bill for the better ordering of the militia forces in that part of Great Britain called Scotland, which was presented by Mr. Elliot on the 24th of March 1760, and the table was crowded with petitions, entreating the legislature to grant the favour; but the motion for its committal, April 15th, was lost by a great majority; and while Scottishmen abroad were carrying the military renown of their country to its highest pitch, the wretched jealousy of the English members prevented their being entrusted with arms for their defence at home. The duke of Argyle, who then chiefly directed Scottish affairs, was accused of the

cause of this failure, having meanly given up the point of honour for his country.\*

Notwithstanding, however, these petty interruptions, Scotland never experienced so much real internal tranquillity, while she enjoyed her full share of the splendour that illustrated the British name; but a cloud passed over the scenery at the moment of its brightest noon. The king, who had outlived the reverses and animosities of a long and troublous reign, and whose hale unbroken constitution, promised yet years of glory among an united, exulting, and triumphant people, was suddenly called from his flattering prospects of earthly grandeur. At Kensington, on the morning of Saturday, October 25th, he rose about his usual hour—five o'clock—breakfasted without any sign of indisposition, and expressed an intention, as the weather was fine, of enjoying a walk in the garden; but the page in attendance, when leaving the room, hearing his majesty sigh deeply and fall, returned, and found him on the floor. "Call Amelia," said the king faintly; but before she could reach the bed to which they carried him, he had expired. He was in the seventy-seventh year of his age, of which he had reigned thirty-four; and what rarely happens, he was more popular during the last two, than at any other period of his being on the throne. The predilection he inherited for Hanover, involved Britain in two continental wars for its protection, during which, with the exception of France, almost every European prince and potentate, had been largely subsidized, first to protect, and then to circumscribe the power of Austria; and all in their turn had pocketed the money and envied the power of Britain. In the administration of England, he was liberal, humane, and

\* Pitt had acquiesced: but the duke of Newcastle, solicitor-general Yorke, and the young whigs, attacked it with all their force. Even the Scotch lord-advocate spoke with spirit against it. Elliot defended it manfully; and sir Henry Erskine went so far as to say, that all Scotland would come and demand it at the bar of the house. Unluckily for that menace, the man who had most weight in that country, the duke of Argyle, was not cordial to the bill. Lord Orford's Mem. vol. ii. p. 436.



just; and if, in punishing the rebellion in Scotland he was more rigorous than his predecessors, the nature of the case is an ample excuse,—the abettors of an insurrection against a more paternal government than any the country had almost ever enjoyed, who rose at the mad call of a stranger boy, to effectuate the restoration of a race of imbeciles, who could only have brought to the country exploded maxims of despotism and slavish modes of superstition, deserved the fate they courted; and that their families were involved by their folly, is among those incidents which we may regret, but for which we can attach blame nowhere but to themselves; that so many were spared after a double rising, is an instance of forbearance not easily paralleled in modern history, and of which I doubt if any other dynasty in the world could produce an example. He was distinguished by no very remarkable talents, but he had the more requisite accomplishment of a limited monarch—moderation in the exercise of his constitutional power; in private life he was passionate but placable, regular and parsimonious, yet liberal to his friends and occasionally munificent, personally brave and of unblemished integrity. He had quarrelled with his eldest son, Frederick prince of Wales, whose cause was of course espoused by the patriotic opposition; but the tenderness and affection he showed to his children more than compensated for any coldness to their father, whose character maintained an elevation with the public they are always willing to allow to untried princes, though it did not altogether escape court scandal.\*

\* Orford's *Memoirs of the last ten years of the reign of George II.* 2 vols. 4to. A work that does more to expose the littleness of the great, and level the distinctions of rank and talents, than any publication since the heat of the French revolution.

# THE HISTORY OF SCOTLAND.

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## Book XXV.

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GEORGE III. A. D. 1760,

RECEIVED the crown in circumstances peculiarly auspicious. Victorious abroad, the nation was united at home under a minister whose transcendant genius seemed to annihilate opposition and command success. He was in the bloom of youth, decorous in his conduct, and, if unacquainted with the business, he was also uncontaminated by the follies of a court. On the day after his grandfather's death, he was proclaimed in London, and on the Wednesday following at Edinburgh, where, as if emblematic of the changes destined to mark the era now commencing; the proclamation was read, not as heretofore from the venerable cross, but from the balcony in front of the Royal Exchange, the first of the new buildings, for the sake of which that ancient gothic structure had been most unnecessarily removed. A royal proclamation against vice and immorality was read from all the pulpits next Sabbath, and a deputation from the commission, composed of five of the Edinburgh ministers, hastened to congratulate the young monarch. No immediate change took place in the plans of government, or in the persons intrusted with conducting them, but the earl of Bute,\* who had been

\* His mother was lady Anne Campbell, only daughter of Archibald, first duke of Argyle.

intrusted with the superintendence of the prince's education, being immediately introduced into the privy council, being alarmed the jealousy of the English courtiers by identifying himself with the danger of Scottish influence. Meanwhile in his first speech to parliament, November 18th. and educated in this country," said he, "I gloried from the reign of a native sovereign. The session March 19th, and next day the parliament was dissolved. Before the new one met, the splendid Pitt administration was broken up, and he had retired.

In Scotland the elections were remarkable for the conduct of the capital, where the magistrates for once chose the nomination of "the manager," and chose provost, George Lind, as their representative, in opposition to one supported by the duke of Argyle.\* With ception, as usual, the returns were with the court elevated to the first station in the ministry, conducted peace upon terms by no means commensurate with the expectation of the people, or the unrivalled success of British arms; and by which, together with his inexperienced and perhaps presumption, in the arts of government he created at the first a powerful opposition among statesmen; who, favoured by some palpable blunders in the internal administration, succeeded in raising him and his country such a tempest of popular abuse from the press, that, after a very short and unsteady premiership, he resigned his unenviable office. Raised to the peerage as earl of Chatham, and a member of the council, but his commanding influence was greatly diminished by the licentious turbulence had been excited among the

\* Archibald duke of Argyle, died at London 15th April, 1743. He was in his usual health at dinner, and before five o'clock in the evening he was a corpse. He was a man of abilities: and of great attachment to his country, but esteemed selfish in his politics. His cousin, the late general John Campbell of Mamore, succeeded to the estate.

noisy demagogues of the day possessed more influence, and he retired from the cabinet almost without observation.

During a time of agitation, in order to allay the public ferment, by lessening the burdens of the English, in an evil hour, the project of taxing the colonies presented itself: and a stamp duty was imposed by the British legislature. The Americans, many of whose forefathers had left their native land, and peopled the wildernesses of the new world to avoid tyrannic enactments, rose almost as a man against the act; which when the ministry found it impossible to enforce, they repealed, but asserting the principle that the mother country had a right both to legislate for and to tax their dependencies. The Americans, who treated with scorn the assumption of a right to the contents of their pockets, by an assembly in which they had no vote, determined to resist any attempt to exercise it, however indirectly; and when the British ministry persisted in enforcing obedience, the colonies flew to arms, and eventually secured their independence.

These events, as they belong to one of the most important sections of British history, involve a range far beyond my limits or purpose; and my narrative, from this date, must be confined to the few incidents strictly Scottish, in general overlooked by historians of the empire. The first,—one which would in other days have involved the whole country in bloodshed, and occasioned little less tumult than a contention for the throne,—was the contest between the families of Douglas and Hamilton for the estates and honours of the former; the happy difference in the times reduced it to a protracted litigation, yet almost the entire of Scottish nobility interested themselves on the one side or the other, with a keenness of which we, who view with comparative apathy the rise and fall of empires, have no conception. Archibald, duke of Douglas, died 21st July, 1761, and being the last direct male descendant of that noble house, his nephew, Archibald Stewart, son of lady Jane Douglas, his only sister, was served heir to his estates on the sixth

actions were however raised by the duke of Hamilton and Douglas, earl of Selkirk, claiming certain parts which they maintained were limited by entail to heirs-male. In both the pursuers were defeated, and soon after the memorable suit commenced, to set aside Archibald Stewart Douglas, as having been falsely imposed upon the duke for her son by his sister.

Lady Jane was universally acknowledged the handsomest and most accomplished woman of her day, of masculine understanding, and engaging manners; but disappointed in a youthful alliance with one of the first families in Scotland, she irritated her brother by refusing afterwards several advantageous matches, and appeared determined to remain single; till in her forty-eighth year, August 1746, she was privately married, to colonel, afterwards sir John Stewart of Grandtully, of a dissipated character, and a younger brother. Afraid lest this step, which all her friends disapproved of, would widen the breach between them, she concealed it, and going abroad under the pretext of ill health, resided at Aix-la-Chapelle till her situation obliged her to disclose the secret. Unwilling, at her advanced age, to trust herself in doubtful hands, she

\* By the ancient law of Scotland every question of property was tried by juries. But after the institution of the court of session by James V. the practice of jury trials in civil matters soon sunk into total disuse, excepting only in some cases of trial proceeding upon what are called "not pleadable brieves," so called because they may proceed without a "contradictor;" among which the most remarkable is the brieve of "mortancestry," which is the king's warrant issuing from his chancery to the judges ordinary of the place, desiring him to inquire by a jury of "*probre ac fidelis homines patrie*," whether the person claiming to be heir to the deceased is really so connected with him or not? For remedying any error committed by these juries, the ancient law of Scotland allowed a new trial by a jury of forty-five men, called "an inquest of error," but the present method is by actions of reduction before the court of session, who, upon a review of the whole evidence, sustain the reasons of reduction; or find the evidence sufficient, and maintain the defender in his possession.—Summary of the speeches, arguments, &c. upon the Douglas case, pp. 37, 40.

proceeded to Paris to procure the assistance of a skilful accoucheur, and was there, in the lodging house of one La Brun, in presence of Mrs. Hewitt her attendant, delivered of two boys Archibald and Sholto. About the latter end of December, 1749, she returned with the children to England, only to be involved in the most distressing difficulties; her brother withdrew his assistance, and her husband was thrown into jail by his creditors. Through the medium of lord Mansfield she obtained a pension of L.300 per annum from king George II.; yet such was the extravagance of Mr. Stuart, who lived within the rules of the king's bench, that they were frequently reduced to the utmost extremity. In this state she appealed to her brother's compassion, but was harshly repulsed; soon after her youngest son died of a fever, and she, returning to Edinburgh in the year 1753, languished in a miserable apartment in the Canongate, till the month of November, when she died of a broken heart, almost in the act of commending her child to the protection of God, with all the affectionate tenderness of a dying mother. In 1759 Mr. Stewart succeeded to the estate and title of his brother sir George, and his first act of administration was granting a bond of provision to his son Archibald, by lady Jane Douglas.

Meanwhile the duke of Douglas, who lived unmarried and in seclusion at Bothwell castle, refused to acknowledge his nephew; and by undue interference, as was alleged, was induced, in the year 1754, to execute a settlement of his whole real estate upon the duke of Hamilton;\* and in 1757, by a second deed, declared his intention, that his sister's son should in no event succeed to his possessions. To the astonishment of all his acquaintance, however, his grace entered the holy state of matrimony in the year 1758, with Margaret, eldest daughter of James Douglas

\* The marquis of Douglas [created by Charles I. 1633] was twice married; by his first wife he had Archibald earl of Angus, grandfather to the late duke of Douglas and lady Jane; by his second he had another son, William earl of Selkirk, afterwards duke of Hamilton, great-grandfather to the duke mentioned in the text.

Douglas, failing the issue of that marriage, to his own nearest heirs; in 1760 he cancelled his settlements in favour of the duke of Hamilton, and in 1761 executed an entail of the whole estate in favour of the heirs whatsoever of the body of his father, James, marquis of Douglas, and in a separate deed named Archibald Douglas alias Stewart, as his successor in the dukedom of Douglas; the duchess of Douglas and the duke of Queensberry trustees and guardians.

As soon almost as the news of lady Jane's delivery reached this country, rumours of its being an imposition began to be privately circulated by the agents of the Hamilton family. This operated much to the disadvantage of the lady with her brother, whose retired habits rendered him suspicious and easily influenced by those about him, and produced the settlements in favour of that duke. But his new duchess, convinced of the legitimacy of young Stewart's claims, espoused his cause warmly, and procured the subsequent deeds in his favour. Then the former reports were revived by the same people, and became so public that upon the duke's death, when his nephew was served heir, counsel for the duke of Hamilton attended, and a more full examination of witnesses took place than usual upon such occasions. The pregnancy and delivery of lady Jane were distinctly proved, to the entire conviction of the jury, as were the facts of Mr. Stewart's being owned and acknowledged by her ladyship and sir John, her husband, as their son, also the habit and repute of the country. The acuteness of the duke of Hamilton's legal agents, however, perceived some partial discrepancies in the evidence, and having failed in the two short processes, persuaded his grace's guardians to doubt the filiation of his rival, and brought an action of reduction before the court of session. At the same time, one of the most active, Mr. Andrew Stewart, was despatched to France to collect evidence to overturn the whole, to prove that the pregnancy was feigned, that lady

Jane was never delivered, and that the two children she had in her utmost penury, and in her dying moments, treated as her own, were two infants she had purchased; and he succeeded in procuring, by means not the most honourable, a number of plausible negatives to undermine the positive testimony of his opponents. At the distance of twelve years he commenced to lead a circumstantial proof to show that the story was a fiction; that there was no such person in Paris at that time, as the pretended accoucheur; that no such lodging house existed as that in which lady Jane was said to be delivered; and that at the date when her ladyship ought to have been in bed after her delivery, she was in Paris in perfect health. Almost every circumstance in the lives of lady Jane and sir John became then the subjects of separate investigation, and each gave rise to a new debate, while the evidence of every individual witness, and the observations upon them, generally filled a volume; but although legal ingenuity distracted the attention by a multiplicity of reasonings upon topics only slightly or incidentally connected with the main object, and found out, as is no very difficult matter, inconsistencies regarding secondary facts; the original statements of the parents, and the explicit testimony of the witnesses examined on the service, remained unshaken.

What rendered this dispute peculiarly interesting was, both of the claimants were minors, and neither of them could be guilty of fraud or intended fraud, which yet involved a most disgraceful or cruel alternative, that of either forcing a suppositious heir upon the family of Douglas, or of turning out from the possessions of his ancestors a real descendant of that illustrious house. Not only was all Scotland agitated, but the plea was carried to France, and an action brought before the parliament of Paris accusing sir John Stewart and Mrs. Hewitt of procuring false children when there; the proceedings and proofs upon both sides were voluminous beyond precedent; and by the subtlety of the lawyers, for the highest talents in the country were engaged, the real question became so obscured, that the court of session divided equally, and by the pre-



upon the 14th of July 1768, from this judgment an appeal was made to the house of lords, where, February 25th, 1769, after twelve days pleadings, the judgment of the court of session was reversed, and the service of Mr. Stewart Douglas, as heir of his uncle, affirmed. On this occasion lord chancellor Camden delivered one of the clearest and most admirable speeches, in reviewing the evidence, which perhaps ever was delivered in that house, upon a legal question; and was followed by lord Mansfield on the same side, equally lucid, perhaps more beautifully eloquent.

The news was received in Edinburgh a little before eight o'clock at night on the 2d of March, and excited great public rejoicings. The town and suburbs were splendidly illuminated, and the populace expressed their unruly satisfaction by demolishing the windows of the judges and others, unfavourable to the acknowledged representative of a line of heroes. Throughout Scotland the event was celebrated with universal gratulation, as if a public national triumph had been obtained. But what was very affecting, on the day Mr. Stewart Douglas was celebrating his victory at Bothwell castle, his rival, an amiable and promising youth, [Æt. 15,] was borne to the family vault at Hamilton. The expense of the litigation was said to have exceeded one hundred thousand pounds.

At the return of peace the trustees for the forfeited estates in the north were exceedingly desirous that the discharged soldiers and sailors should settle upon them either as labourers or fishers, and projected numerous villages and stations which the short cessation of hostilities did not allow to be fully matured or completed; they offered the sailors, if unmarried, a bounty of L.2 Sterling each, and a boat fitted for the herring or cod fishery to every eight; and to married men a dwelling house and three acres of ground rent free for seven years. Soldiers were to have the same, only in lieu of a boat their bounty was to be three pounds per man. Some of the large landed proprietors even offered higher encouragement,

and appear to have been successful to a considerable extent, till the introduction of new improvements rendered them less careful about attaching inhabitants to the soil, and a spirit of emigration was excited among the people, by more tempting prospects abroad. About the same time, a transference of property highly gratifying to Scottish feeling took place. Several of the estates forfeited in 1716 had been roused by the commissioners, and bought by the York-building company at sixteen years purchase, who attempted to open mines, and introduce new modes of culture; but from the general aversion of the natives to strangers, and the inexperience and extravagance of their managers, the company becoming bankrupt, the property was again brought to judicial sale in the parliament-house, Edinburgh, February 20th, 1764, and knocked down to the heirs of the original owners, without opposition, amid the acclamations of a crowd of nobility.

Peace abroad, however, seemed to be the signal to England for internal disturbances; but notwithstanding all the turmoil of the sister kingdom, distracted with the raving of faction, Scotland remained little disturbed; and while the low and rascally mobs of the metropolis were bawling Wilks and liberty, their compeers in the northern capital were with less noise committing the demagogue's effigy to the flames. Two subjects of more importance connected with the peculiar situation of the country occupied for several years much of the public attention; the possibility of procuring some amendment in the law of entails, and the state of the paper currency. The former was taken up by the faculty of advocates and the landed interest with great spirit, and much was written and spoken upon the subject; but although an act was obtained, 1770, allowing entailed estates to be burdened to a certain extent, many of the material grievances remain still to be redressed. The latter was also keenly discussed, and it is not a little amusing to remark that the same arguments which have lately been applied to prevent a return to metallic currency, were then urged against the calling in five shilling notes. The banks, whose numbers had increased considerably,

were accustomed to issue notes with an optional clause of payment on demand, or six months after with interest, and for sums so small as five shillings; which had almost banished silver from the circulation, when the county gentlemen applied to parliament, and the evil, then hourly increasing, was effectually remedied by an act [5th Geo. III.] forbidding the issue of notes under one pound, or otherwise than payable on demand; and silver immediately became as plenty as ever. The system, however, of Scottish banking companies, to lend out their capital upon securities not always available, had already exposed some of the banks to difficulty, and to prevent any similar occurrence, the Edinburgh chartered companies contracted their issues, and diminished the credits of their cash-accounts.

Much discussion followed on the nature of banking, and from the plausible theories of private profit and public advantage, confidently advanced by speculative writers, a number of noblemen and gentlemen, of extensive property, at whose head stood the dukes of Buccleugh and Queensberry, and Mr. Douglas of Douglas, were induced to subscribe one hundred and sixty thousand pounds, and erect a banking company at Ayr, under the firm of Douglas, Heron, and Co. with the intention of supporting and encouraging agriculture and manufactures. Too generous and sanguine, they accommodated tradesmen, farmers, and landholders with a liberality beyond the line of cautious prudence, and sent almost instantly into circulation a quantity of paper above what they had the ready means of honouring. In the spring 1772, some eminent houses, with whom they corresponded in London, failed, in consequence of trafficking in the funds, and an unprecedented number of bankruptcies following struck the commercial world with universal panic. Taking advantage of this, the bank of England and the banks who were unfriendly, refused the company's notes, and they suddenly finding themselves unable to procure cash to answer the demand upon them, to the dismay of the country, were under the necessity of stopping payment, in

June of that same year. The partners now discovered that besides their capital they had lost nearly three hundred thousand pounds, and as they were individually responsible, many were irremediably ruined. Scotland had escaped the destructive folly of the South Sea Scheme, but this public-spirited, rational, and promising undertaking, by unfortunate mismanagement, involved whole districts in almost equal distress. The public, however, did not share to an equal extent, the whole of the debts being paid with interest within a short time after the concern was broken up.

A large majority of the English, there can be no doubt, supported lord North in his measures respecting America, and a still greater considered it treason to listen to any proposal respecting their independence. The public sentiment of Scotland was similar, but the west was particularly zealous in enforcing their abhorrence of the ingratitude and rebellion of the colonies. When Burgoyne's surrender excited doubts as to the issue of the contest, Glasgow stepped forth the first among the Scottish burghs, with a loyal offer for raising a regiment. Edinburgh followed; but the faculty of advocates were so much divided in opinion respecting the justice or policy of the contest, that they declined concurring. Almost every town of consequence seconded the forward loyalty of the two cities, by bounties for sailors and soldiers; and among the nobility the dukes of Hamilton and Athole each volunteered a regiment, while, instead of militia, the dukes of Buccleugh and Gordon and lord Frederick Campbell raised fencible corps.

When the war deepened, and recourse was again had to the mountains for soldiers, the conduct of the privates evinced that the principle of clanship, if not entirely broken, was greatly weakened. They could not now be induced to follow the banner without inquiry, but had learned, like their lowland neighbours, to bargain for their services. To the disgrace of the agents employed, if not of the government for whom they acted, these bargains

HISTORY OF SCOTLAND.

were in several cases shamefully infringed, and uneducated highlanders, taught to dread death, thus exposed to the arts of designing men, at several occasions excited to mutiny. The Seaforth in September 1778, upon being brought for a bounty they had been promised were first paid at Leith, refused to move unless their arrears withstanding the entreaty of the officers, upwards of a hundred retired to Arthur's seat, with pipes and their plaids fixed on poles for colours. There they remained from Tuesday till Friday, plentifully supplied from the inhabitants of Edinburgh, and visions by the duke of Buccleugh's fencible, four hundred of all ranks. The first regiment of dragoon volunteers, and some troops of the line, were sent to the capital, and there was every appearance that rather risk an engagement than embark; till, through the good offices of lord Dunmore, and after much with general Skene, second in command in Scotland, on a written assurance being given, signed by Buccleugh, the earl of Dunmore, sir Adolphus K. B. commander-in-chief, and general Skene,—that offences should be pardoned, their demands satisfied that they should not be sold to the East India Company, they left the hill, and on the Tuesday following they left the earl of Seaforth at their head, to Leith, with the earl of Seaforth at their head, to Leith, quietly went on board the transports. Another detachment was attended the same place in April following was attended serious consequences. A detachment of highlanders who understood not one word of English, and who were in the forty-second and seventy-first, two companies, their native garb was the uniform, and gaelic the being ordered to be turned over to two lowland wearing breeches, and ignorant of earse, the lowlanders refused to obey; and when some troops carried them prisoners to Edinburgh castle, resistance and affray ensued, when nearly fifty were wounded upon both sides before the mutineers

tensive as most gentlemen in that house, and he could not find that any alarm had been taken !” The motion was in consequence rejected by an immense majority, but a dissent was read by Dr. Gillies, and adhered to.

The Scottish public were irritated already against the moderate party in the church, and their opposition to this reasonable proposal of watching over her interests, was construed into an entire dereliction of duty. Their professions of liberality were stigmatised as indifference; and the people took into their ruder hands the preservation of a religious establishment, which its own chief court was accused of betraying. Associations were every where formed, and from innumerable violent resolutions published, it soon appeared that the calculations of the ruling party in the assembly were far from being well grounded. The synods, with the solitary exception of Lothian and Tweeddale, fanned the flame; that of Glenelg asserted, that popery of late had made alarming progress within their bounds. Glasgow and Ayr appointed a fast; and resolutions to restrain the growth of popery within their districts, and to prevent the repeal of the Scottish acts against papists, were adopted by those of Dumfries, Angus and Mearns, Galloway, Perth, and Stirling. Had the assembly agreed to any popular measure, they might have guided the opposition, but their leaders despised the vulgar, and the business had now got other directors; petitions were signed by the town council of Glasgow and Edinburgh, by the Protestant Interest Society, and by almost every town and village in the kingdom. While matters were in this state of combustion, an incendiary letter was dropped in Edinburgh, January 31st, 1779, pointing out to popular indignation, a place in Leith Wynd where the bishop resided, which was supposed to be also used as a chapel by the Roman catholics, and inviting them to pull down that “pillar of popery.” In consequence, a numerous mob assembled, and in spite of the magistrates, the city guard, and a party of fencibles, reduced the “land” to ashes. Next day several other houses where popish clergymen resided, were destroyed, and the shops and dwell-

ings of a few private individuals plundered. At they proposed to attack the house of principal Rol son, but by this time some troops of dragoons arrived and a party of the fencibles being stationed in the college court, no further damage was done. Fortunately no lives were lost, and the damage suffered by the Roman Catholics was decided by arbitration, and paid by the town. The mob in Glasgow were guilty of similar outrages, but they were equally bloodless; the house of a Mr. Bagnal, stoneware manufacturer, was burned and his shop plundered, but himself and family were protected from outrage, and treated with kindness, particularly by some of the ministers. Soon after the whole tumultuating was quieted by official intimation, that no extension of the bill to Scotland would be proposed by the servants, or receive the sanction of the crown. The earl of Dalhousie repeated this assurance to the general assembly, and they then found it expedient to adopt a measure similar to what had been rejected last year; they declared their firm persuasion, that a repeal of the laws now in force against papists would be highly inexpedient, dangerous, and prejudicial to the interests of religion and civil society in this part of the united kingdom, and gave particular instructions to the commission on the subject.\* Thus ended the business.

\* A very long debate on this occasion took place, which was afterwards reported and published by the late Dr. Erskine, of which Sir Moncreiff remarks "the argument on both sides of the question never perhaps been better stated than in the speeches which were published from the debate in that assembly. The statement against emancipation of the Catholics was never given with more perspicuity supported with stronger reasons, than in the speech of Mr. St. John St. Andrews, who is known at the same time to have exerted himself privately, to moderate the zeal of those who held the same opinion. Nor would it be easy to find a clearer or more cogent argument against the apprehended hazard, to result from the emancipation of the Catholics, than that which was so powerfully urged in the speech of Dr. Robertson." The proposition which Mr. Stevenson proposed was self-evident was:—"that men who are intolerant from principle are dangerous in every society which differs from them: and that it is to the safety of such a society to lay such restraints upon them as shall be sufficient to prevent the danger;" he thus proved the case with the church of Rome.—"A church claiming infallibility is dangerous."

Scotland, but next year riots in London on a similar account, extinguished by their superior enormity the remembrance of the lesser Scottish disturbances.

A dispute with the colonies was too favourable an opportunity of harassing or humbling Britain for France to al-

mit no disputes concerning the truth of its system, or any part of it, no freedom of inquiry, no private judgment, every deviation from that system is an opposition to the infallible truth which has the sanction of divine authority, and is therefore in opposition to God, and as such ought to be restrained. This plea of infallibility once admitted, justifies any restraint upon conscience, and any severity which may be used for preventing the introduction or progress of error. It is here I rest my argument, an infallible church must be an intolerant one from principle and conscience, and therefore every protestant society should look at its defence against it; that principle still remains in that church, and a doubt of in any of her members concerning her infallibility is represented as the greatest of mortal sin. This argument furnishes an answer to all that has been said of the moderation which now prevails among Roman catholics, on account of which protestants have nothing to fear from them; infidels in that, as in any other profession, may be careless, but it is not conceivable how a genuine son of an infallible church can be moderate." Principal Robertson observed, "That whatever might be the defects of the age, propensity to superstition surely was not one. There have been times," said he, "when, from the inclination of the monarch, or the spirit of the time, a tendency towards a coalition with Rome was manifest, but can any man now be so credulous as to suspect, that king, lords and commons, have entered into a conspiracy against the religion in which they were educated, and which they profess to believe? What temptation can they have wantonly and without cause to wreath a yoke about their own necks which their fathers could not bear? Is there any reason for apprehending that the protestant faith, with the aid of power, with the advantages of a legal establishment, with a vast majority of people on its side, will not be able to maintain itself against the efforts of a small body of papists, who possess not the smallest portion of any political right or privilege? The papists of Scotland do not exceed twenty thousand, perhaps not more than seventeen, most of them reside in remote uncultivated parts of the country. And they are chiefly persons in the lowest walks of life in Scotland. There are thirteen hundred thousand inhabitants; a sect then, in contending with which, we have eighty to one, cannot be the object of much terror. But they may be wealthy, and power is always the consequence of wealth. I have inquired with some care, and I will venture to assert, there are not twenty popish gentlemen in Scotland possessing a hundred pounds a-year in land. In the commercial line I never heard of one opulent papist." He then



low escaping, and threats of invasion were revived; not, however, for the purpose of advancing a pretender to the throne, for Ireland instead of Scotland, became now to be considered as the vulnerable point. Yet the defenceless shores of the latter continued to invite insult; privateers had occasionally visited and plundered the north, but in the year 1779 a petty squadron created nearly as much alarm on the east coast, as that of Mons. Thurot had done on the west towards the close of the former year, and retreated with more honour and success. Paul Jones, a native of Scotland, in an American privateer carrying 20 guns, had, in the month of April, 1778, landed at the earl of Selkirk's seat, St. Mary's isle, Kirkcudbrightshire, with

the Jesuits there could be no dread—the blow the latter had received was instantaneous as fatal, and the order itself must in a few years be extinct!”

All parties disclaimed, and I believe justly, having intentionally given the smallest encouragement to the lawless mob, yet each complained of the unfair treatment they had met with out of doors. “It is not,” said Dr. Macfarlane “without good cause, that we say we have met with the most unjust censure and illiberal abuse from those who profess liberality of sentiment, and who style themselves the friends of universal toleration. It is a question which will surely admit of some doubt, whether we should all at once abolish those laws enacted by our forefathers to suppress a religion which once threatened the ruin of our country, yet because we have not approved of a repeal we think highly inexpedient, therefore the appellations of fanatical, enthusiastic, illiberal, ignorant, persecuting and narrow-minded, have been thrown out on us, not merely by the bigots of a party, but by those from whose education and avowed principles we did expect a very different treatment. The friends of popery are at the same time permitted in their pamphlets to assert the most notorious falsehoods, to deny the best established truths, to misrepresent the plainest facts, and even load us with the most injurious reflections; yet they are not blamed, the zeal for their religion is pleaded for their excuse, they are regarded with favour as a persecuted people! And if we presume to detect their falsehoods, we are marked out as seditious pamphleteers, who wish to raise a flame in the country, or revive the spirit of persecution. Dr. Robertson complained personally of having his character as a man and citizen delineated in the most odious colours, as a pensioner of the pope, an agent for Rome, and held out to an enraged mob as the victim who deserved to be next sacrificed; his family had been disquieted, and his house threatened, he had received numbers of incendiary letters by lovers of truth and friends of the protestant religion, warning him that his death was resolved, and the instruments prepared for shortening his days.”

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the intention of carrying off his lordship. Missing him, the desperadoe took his plate, burned some small vessels at Whitehaven, and after alarming the Galloway coast, escaped to France. He returned with a squadron the following year, menaced the south of Ireland, and proceeding for Scotland on the 16th of September, was descried from Edinburgh steering up the Frith, with the intention of burning the shipping in Leith, and levying a ransom, or inflicting further mischief. As the place was entirely defenceless, the utmost consternation prevailed in the Scottish capital, and some hasty measures for resistance were adopted; when suddenly a tempest from the west, which increased to a hurricane, drove the dreaded enemy into the German ocean, and relieved not only the port, but the whole country, from the apprehended danger. Perhaps it may not be impertinent to notice an incident which occurred on this occasion, and caused considerable remark at the time: when the vessels were lying off Kirkaldy, the terrified inhabitants assembled on the links, and while they remained there trembling and awaiting the issue, a dissenting minister proposed, that as there seemed no prospect of assistance from man, they should join in prayer to God; the proposal was agreed to, and during the time they were so engaged, the gale arose that freed them from their anxiety. After that visit the coast and the waters of Scotland remained unviolated by the presence of an enemy, though the Spaniards and the Dutch were added to the number; and unless by the increase of taxes, and the interruption of trade, felt comparatively few of the evils of war during the three following years of its continuance.

A minority small in number, but powerful in ability, had, from the beginning, opposed in parliament, the pretensions of the mother country respecting America, as unjust in principle and impracticable in fact. The ruinous and unsuccessful trial of a seven years' contest at length convinced the nation of the truth of the latter part of the position. The foreign powers, who had hoped entirely to overwhelm Britain in the day of her calamity, found themselves not less mistaken in their calculations; and in spite of all the folly and imbecility of infatuated councils, the

valour and energy of the British arms were displayed with their wonted effect on the ocean, in India, and at the rock of Gibraltar. France, Holland, and Spain, had each suffered for interfering in a quarrel with which they had no concern; and heartily sick of what they had so wantonly sought, when Britain consented to the independence of America, listened to the mediation of the empress of Russia and the emperor of Germany, under whose auspices preliminaries were settled at Paris in the latter end of 1782, and signed at Versailles January 20, 1783.

Thus, after wasting blood and treasure to obtain a power which must have been a curse to Britain, if gained, peace was concluded with an independent and estranged federation, upon terms infinitely worse than what, without the irritation of a sanguinary struggle, would have rivetted the affections of a grateful kindred-people: had the parent state only had the wisdom to resign with grace what the fate of the stamp act might have shown could not be retained by force. Votes of disapprobation soon passed upon the articles by both houses of parliament, and the ministry by whom the negotiations had been carried on, were forced to retire. They were succeeded by an administration, including the heads of two parties [Fox and North] once the bitterest political opponents, and celebrated in British history by the name of "the Coalition," under them the definitive treaties were signed, September 30, 1783. This incongruous junto retained their places only a few months. Being defeated upon Mr. Fox's India bill, his majesty dismissed them, and next day [Dec. 18.] appointed a new ministry, at whose head, as first lord of the treasury and chancellor of the exchequer, was placed William Pitt, second son of the earl of Chatham, then in his twenty-fourth year, who thus early possessed the confidence of the crown, and inherited the affectionate veneration of the people. With him was associated Henry Dundas, as treasurer of the navy, who succeeded to the entire management of Scottish affairs: and whatever difference of opinion may exist with regard to his general politics, the attention he uniformly paid to the interest of Scotland, and the zeal with which he urged every scheme

that tended to promote her literary, agricultural, and commercial prosperity for a long series of years, entitle his memory to the affectionate respect of his country. His efforts commenced with his entrance into power, and his first act was procuring a bill for restoring the forfeited estates, which finally closed the wounds rebellion had inflicted on Scotland; and with an account of which I shall close my history of that portion of the empire.

He introduced his bill on the 2d August 1784, by recounting the services the highland chiefs had performed in the preceding wars, and quoted the Earl of Chatham's expressions. "I am above all local prejudices," were the Earl's words, "and cared not whether a man had been rocked in a cradle on this or the other side of the Tweed. I sought only for merit, and I found it in the mountains of the north. I there found a hardy race of men, able to do their country service, but labouring under a proscription. I called them forth to its aid, and sent them to fight her battles. They did not disappoint my expectations; for their fidelity could be equalled only by their valour, which signalized their own and their country's renown all over the world; these were at once an eulogium on the deceased statesman's penetration, and a testimony to the value of the services he wished to reward." The measure was warmly supported by Fox, and passed the house of commons unanimously: in the house of peers, it was opposed by Chancellor Thurloe, who was unwilling to lessen the legal penalty of treason, but the influence of the minister carried it by a large majority. The estates were not, however, bestowed free and improved, but burdened with the debts due at the time of their forfeiture, from which fifteen thousand pounds were allotted for building a register-office for the public records of Scotland, and fifty thousand for completing the grand canal between Forth and Clyde.

Years of rapid and unexampled prosperity followed, chequered, indeed, occasionally by the failure of unwise speculation, but founded on solid and progressive improvement. A clear excess of revenue enabled the minister to propose a small but efficient sinking fund, while the general tranquillity subsisting in Europe, authorised a consider-

able reduction in the expenditure ; and an astonishing rise in the public funds, attested the universal confidence in the public credit.

American independence, which threatened at first to involve the new republic in bankruptcy and confusion, was not productive of the injurious consequences, either to the commerce or the resources of Great Britain, which all parties at the time predicted ; both attained a magnitude and a vigour, shortly after the war, of which they would have been deemed incapable before its commencement ; the mother country appeared to have got rid of incumbrances, by allowing her untractable offspring to take the management of themselves, and to have acquired real strength, in proportion to her loss of troublesome and unruly authority. In a committee of the house of commons, early in 1792, Mr. Pitt congratulated the house on the flourishing state of the finances ; the revenue of the last year had so much exceeded the average of the four preceding, that the permanent income, he informed them, would surpass the permanent expenditure, including the annual million set aside for extinguishing the national debt, by four hundred thousand pounds ! Whence, government would be enabled to take off taxes, that bore chiefly upon the poorer classes, to the amount of two hundred thousand pounds, and apply the other two hundred thousand to increase the sum appropriated for the sinking fund ! which, acting with compound efficacy, promised speedily to relieve the country from all the oppressive burdens, that clogged her industry or cramped her exertions. Peace, lasting peace only, was wanted to realize prospects more bright than the most sanguine imagination could have anticipated ! and he did not hesitate to confirm the language from the throne, “ that, unquestionably there never was a time when a durable peace might be more reasonably expected, than at the [then] present moment.”

But the transatlantic revolt, though it did not operate in the manner that was expected, was productive of effects the most sagacious politician never dreamed of ; it hastened, if it did not originate, a revolution the most stupendous the world ever witnessed ;—whose consequences as yet are

but very imperfectly developed. The political transactions in Scotland during this eventful period, it is impossible to separate from those of the empire, as these in their turn could be little understood without a general view of European politics. I shall not, therefore, mutilate by detaching them.

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Having thus finished what I originally intended, I now for the present take leave of my readers, with feelings of gratitude for their kindness in having accompanied me during a period protracted far beyond what I at first reckoned upon, by interruptions I could never have anticipated. Had I foreseen the untoward circumstances in which this undertaking was to involve me, and the many disagreeable accompaniments by which it was to be attended, it had yet remained unattempted by me. But having now accomplished so much, I should regret leaving the subject without rendering it as complete as I am able, and there are some topics which remain, distinct, though connected with the history of Scotland, with which I should wish to close my labours—the improvements of the country, and the history of literature and the fine arts since the union. These, from the views I at present have, I think, if it please God to preserve me in health, I shall be able to complete in an additional volume, which I propose printing uniform with this history; but, in order to prevent any future interruption, I do not intend to put it to press till it is in a state of such forwardness as to be beyond the reach of common accidents.

J. A.

*Edinburgh, 4th March 1829.*

FINIS.

# GENERAL INDEX.

*Note.—The numerals refer to the Volume—the figures to the Page.*

Abjuration, oath of proposed, vi. 128. not imposed, 132

Aboyne, Lord, retakes Aberdeen, iii. 505. marches against the covenanters, his army disperses, 506

Achajus, king, i. 259. first treaty made with France, *ib.* and note. his death, 263

Act of classes passes parliament,—its stipulations, iv. 359. numbers leave the kingdom to escape its penalties, 361. repealed, 419

Act of securities, v. 531

Act ratifying the union, v. *App.* 12. for securing the protestant religion and presbyterian church government, 25

Act recissory, the nature and intent of it, iv. 476-7

Act tolerating episcopacy in Scotland, vi. 127. for regulating the same, 592

Act vesting the estates forfeited in 1745 in the king for the benefit of the public, vi. 581

Adamson, (Patrick) archbishop of St. Andrews, attacked by James Melville in a sermon preached before the synod of Fife, put on his trial, iii. 103. excommunicated, 104. appeals to the king, who refers it to the general assembly, *ib.* he submits to their decision, and is restored, *ib.* recants his episcopal sentiments, 175

Agnew, sir Andrew, his defence of Blair castle, vi. 515. relieved by the earl of Crawford, 516

Agricola commands the Romans in Britain, i. 176. overruns Scotland as far as the Tay, *ib.*

Agriculture, society for the improvement of, instituted at Edinburgh, vi. 304. state and progress of, 305

Aidanus, king, receives the ensigns of royalty from St. Columba, i. 246, and notes. his death, 249

Aird's Moss, affair of, v. 108

Albany, Robert, brother to Robert

II. created duke of, ii. 67. starves his nephew, David duke of Rothsay, to death, 72. confirmed governor on the demise of Robert III. 76. his death, 82

Albany, Murdo, duke of, succeeds his father as governor, ii. 82. treats for the restoration of K. James, 84 and note 85. condemned and executed, 89

Albany, Alexander, duke of, confined in Edinburgh castle, ii. 203. escapes to France, 204. comes to England, 205. is applied to by the Scots,—appointed governor by the estates, 211. restores the king to the government, 212. is accused of corresponding with the English,—flies,—invades Scotland,—defeated at Lochmaben, 214. dies in France, 216

Albany, John, duke of, appointed regent, ii. 266. lands at Dunbarton, 268. seizes Stirling castle and the queen dowager, 272. swears allegiance to the infant king, *ib.* the distracted state of the country, 272-4. restores tranquillity, 276. departs for France, *ib.* returns to Scotland, 280. concludes a truce with Dacres, 281. departs for France, 282. arrives at isle of Arran with a strong French force, 284. marches to the borders, 287. his army refuses to enter England, *ib.* goes to France, *ib.* the regency abolished, 289

Alexander I. succeeds Edgar I. 349. builds a church on Inchcolm, 350. his death, *ib.*

Alexander II. succeeds his father William I. 373. joins the party in England against king John,—besieges Northampton, 373. wastes Westmoreland,—takes Carlisle, *ib.* Scotland excommunicated,—is absolved on peace being made with England, 375. insurrections in Ross, 376. in Galloway, 377. defeats Somersled in Argyle,—his death, 378

Alexander III. (a minor) succeeds his father Alexander II. i. 378. marries



Margaret, daughter to Henry III. king of England, who is appointed his guardian, *ib.* is seized at Kinross by the Cumins, and carried to Stirling, 380. assumes the government, *ib.* defeats Haco king of Norway at Largs, *ib.* makes peace with the Norwegians, 312. present at coronation of Edward I. 383. is killed by a fall from his horse, 384.

Alexander, lord of the Isles and earl of Ross, guilty of many flagitious crimes, is pardoned by king James I. *ii.* 91. again rebels, plunders Inverness, *ib.* flees to the Æbudaë, 92. supplicates the king's mercy, *ib.* is pardoned, and sent to Tantallon castle, 93.

Alexander, son to Murdo, duke of Albany, imprisoned, *ii.* 88. condemned and executed, 89.

Allanton, battle of, *i.* 354.

Alnwick taken and burnt by the Scots, *ii.* 141.

Ancient languages, and names of towns and nations, discussion concerning, *i.* 97—113. names of districts and towns changed, 221, 273—4.

Ancrum, battle of, *ii.* 347.

Angus, Gilchrist, earl of, quells insurrections in Galloway, *i.* 359, 362, 368. in Moray, 363. defeats the English, 367. puts his wife to death, 368. outlawed, 369.

Angus, Archibald, earl of, excites the nobles to put to death the favourites of James III. *ii.* 205. seizes Cochran, who is hanged, 208. rejects the plan of the king to bring his adversaries to punishment, 217. his own proposal, *ib.* warns the nobles to withdraw, and retires himself, 218. appointed to command the fleet sent to France in room of Arran, 245. his prudent council to James IV. at Flodden, 253—4. requests his discharge—leaves his son as a pledge of his loyalty—departs from the army, 255.

Angus, Archibald, earl of, married to Margaret, widow of James IV. *ii.* 263. his dispute with the Humes concerning the regency, 265. retires with the queen to England, *ib.* returns, 273. appointed one of the governors of the kingdom, 276. his quarrel with Ker of Farnhurst, 277. action with his party in the streets of Edinburgh, 278—9. banished to France, 280. he returns—is appointed one of the guardians of the kingdom, 289. carries the king to St. Andrews, 290. to Jedburgh, 292. defeats Scott of Buccleugh, *ib.* defeats Lennox at Linlithgow bridge, 294. ordered by the king to resign his public employments, 298.

foiled in an attempt to gain possession of Edinburgh—flees to Tantallon—outlawed and his estates confiscated, 299. flees to England, 302. returns, 328. his brave conduct at Coldingham, 344. defeats the English at Ancrum, 348. leads the first line at the battle of Preston, 367.

Angus, earl of, nephew to Morton, appointed king's lieutenant, *iii.* 31. commands the army against Argyle and Athol, *ib.* encamps on banks of Carron, *ib.* concludes a treaty with them, 32. declared rebel, 43. permitted to return, 64. appointed lieutenant of the marches, 108.

Angus, earl of, joins in the conspiracy against the protestants,—apprehended and confined in Edinburgh castle, *iii.* 188. escapes,—joins Huntly, 191. submits to the king, 198. proceedings against him stopped, 200.

Anne, ascends the throne, *v.* 514. state of parties, *ib.* recommends a union of the two kingdoms, 517. calls the last parliament which sat in Scotland, 524. act of security, 531. the Scottish plot, 537. Debates in the Scottish parliament upon the union, 553. act for it passed, 559. voted by the Scottish parliament, 591. passes the English parliament, *vi.* 10. gives her assent to the bill, *ib.* last Scottish parliament dissolved, 15. first British parliament held, 57. privy council in Scotland abolished, 58. information of the pretender's invasion communicated by her to parliament, 63. their proceedings, *ib.* the pretender and his adherents proclaimed rebels, 64. preparations for defeating his plans, 68. the presbyterians loyal to the existing government, 69. those in Scotland inimical to the union or favourable to the pretender apprehended, 70. carried to London for examination, 71. inquiry in parliament respecting the late invasion of Scotland, 82. whig administration dismissed, 99. parliament called—elections in Scotland, 102. state of parties, 104. debate on the linen trade of Scotland, 105. on the timber trade of ditto, 107. proceedings of general assembly, 115. profess their attachment to the house of Hanover, 117. proceedings of parliament, 122. resolution respecting the sitting in parliament of British peers who were peers of Scotland before the union, 125. persons holding public offices to lose their situations if present at conventicles, 126. act for tolerating episcopal worship in Scotland, 127. patronage restored, 132. treaty of Utrecht, 145. extension of the malt tax to Scotland likely to dissolve the union, *ib.*



her answer to the Scottish members' resolutions, 149. addresses from the north respecting the succession, 151. from the clans upon the peace, 152. her speech to parliament, 154. debate on state of the nation, 155. protestant succession voted out of danger, 156. offers a reward for the apprehension of the pretender, 157. parliamentary proceedings in consequence, 158. western and southern counties declare for the house of Hanover, 164. her death, 165. character, *ib.*

Antiburghers, their rise, vi. 590. ex-communicate the burgher ministers, 591.

Apologetical Declaration, its effects, v. 185. those who did not disown it authorised to be put to death, *ib.*

Argyle, Gillespie, earl of, appointed to carry over the crown to the dauphin of France, ii. 401. sent by the Queen Regent to treat with the lords of the congregation at Perth, 406. joins the congregation, 408. requires the queen to leave Perth, 411

Argyle, earl of, proceedings of the Regent (Morton) against him, iii. 19. his interview with the infant king, 22. persuades him to call a meeting of the nobles, *ib.* proclaims Morton guilty of keeping the king a captive, 31. concludes a treaty with Angus, 32. appointed chancellor, reconciled to Morton, 33. attacked and defeated by Huntly, 208-9

Argyle, earl of, joins the covenanters, iii. 486. undertakes to defend the west coast, 497. reduces the disaffected in the north, 542. joins the covenanters in England, 566. accused of a design to depose the king, iv. 21. the principal evidence condemned, 22. created a marquis, 49. principal leader of the covenanters, 92. takes Coquet Island, 140. proceeds to Aberdeen—takes the house of Kellie, 154. his fruitless pursuit of Montrose, 163. returns to Edinburgh—throws up his commission, 164. his lands wasted by Montrose—raises a force and goes against him—is defeated with great loss, 181. surprised by Munroe at Stirling—he escapes—his troops massacred, 328. joins in applying to Cromwell for assistance, 329. crowns Charles II. at Scoone, 425. removed from direction in public affairs, 427. is permitted to retire to his estates, 432. sends proposals to Monk, 440. refuses to submit to the English commonwealth—is returned to the English parliament, 463. sent to the tower, 473. sent to Edinburgh castle—brought to trial—the charges against him—his

admirable defence, 480. harsh proceedings of the parliament, 482. and note. his confidential letters to Monk sent express from London, produced, 484. and note. is condemned—his behaviour on receiving sentence 485, and note. his address at the place of execution, 486. his character, 487

Argyle, earl of, a member of the committee for public affairs, v. 44. gives the casting vote for the execution of D. Cargill, 117. carries the crown before the duke of York when commissioner, 123. his speech on the Succession Bill, 125. takes the Test with an explanation, 129. refuses to repeat it—deprived of his offices, 130. committed prisoner to the castle, 131. charges against him, 132. condemned, 135. escapes, *ib.* proposes a rising in the west, 159. his estates annexed to the crown, 207. enters into a confederacy to free his country—appointed general, 209. arrives at Campbelton, 212. disconcerted in all his plans, 213-16. made prisoner, 218. brought to Edinburgh, *ib.* warrant for his execution, 219. his conduct in the interval, 220-22. his execution, 224

Argyle, Archibald, earl of, one of the committee for settling the government, v. 306. conveys the instrument of government, and a list of grievances to William and Mary, 312. (a commissioner for the union, 520. Duke, *ib.* note; procures an act confirming the laws against popery, 529. his death, 534. note.

Argyle John, duke of, appointed commissioner, v. 548. procures the act of union to be passed, 559. agrees with the Scottish representatives to dissolve it, vi. 149. presents their resolutions to the queen, *ib.* his defence of his conduct, 150. appointed commander in chief in Scotland, 207. garrisons the most advantageous positions in the highlands, 209. summons the rebels in Leith citadel to surrender, 216. prepares to attack them in Seaton House, 218. diverted by a stratagem of Mar's, *ib.* forbids the payment of the cess imposed by Mar, 234. battle of Sheriff Muir, 237. reinforced by Dutch and English troops, 254. receives proposals from Mar—ordered to pursue the rebels, 255. takes Burntisland and other towns on the coast of Fife, 256. proceeds against the rebels at Perth, 261. pursues them to the north, 264. arrives at Aberdeen, 267. garrisons the North, Dunbarton, and Edinburgh, *ib.* his reception at court, 268. dismissed from all his offices, 280.

received again into favour, 284. joins the opposition, 416. dies, 449. note

Argyle, Archibald, duke of, hesitates as to the arming of his clan, vi. 449. endeavours to undermine the influence of president Forbes, 576

Armada (invincible) its total defeat, dispersion and ruin, iii. 164. the humanity shown by the Scots to those who were forced to land on their shores, 165, and note

Arran, James Hamilton, earl of, appointed by the regent one of the council to govern Scotland during his absence, ii. 276. made president, 277. declares the king of age, 288. excluded from any share in the government, 289. declared regent, 328. thwarted in his measures by the queen regent and Beaton, 330-1. loses the favour of the people, 334. courts Beaton and recants from the protestant profession, 335. defeats Lennox at Glasgow, 342. advances against the English to Coldingham—leaves the army in a cowardly manner, 344. roused by the earl of Angus, proceeds to the borders to repel the English, 346. defeats them at Ancrum, 348. craves assistance from France—calumniates Lennox to the French king, 349. the auxiliaries arrive, ib. joins Beaton in persecuting those who read the scriptures, ib. causes Wishart to be apprehended, 353. desires his trial to be deferred, 354. Beaton's contempt of this request, 355. besieges Norman Leslie in castle of St. Andrews, but does not take it, 362. besieges it again in conjunction with the French, to whom it surrenders, and who carry off the prisoners and booty, 364. the castle demolished, ib. defeated by the English at Musselburgh, ib. who offer terms, 365. which are refused, 366. again defeated by the English, 368. besieges Haddington, 371. his authority declines, 379. his friends advise him to retire from the regency, 383. created duke of Chattellerault, ib. See CHATTELLERAULT

Arran, James, earl of, son of the above, commander of the Scots in the pay of France, ii. 380. arrives in Scotland, joins the congregation, and induces his father to do the same, 415. reveals to Moray the design of his father and Bothwell against him and the queen, 455. his incoherence before the council—committed to the care of archbishop of St. Andrews, ib. sent to Edinburgh castle, 457. convicted of treason, iii. 34

Arran, James Stuart, earl of, forbid the court, 54. his hypocrisy—restored to

favour, 55. hastens to Ruthven to rescue the king, 61. is protected by earl Gowrie from the fury of the nobles, ib. confined in Stirling Castle, ib. recalled by the king, 71. his insidious counsels, 71-2. his treatment of earl of Gowrie—appointed governor of Stirling castle, 73. appointed lord high chancellor and governor of Edinburgh castle, 74. his determined hostility to the church—forces the ministers to flee, 84. brings forward pretended plots against his life, 86. and the king's, 87. procures the execution of Douglas of Mains and Cunningham of Drumwhassel, 88. chosen provost of Edinburgh, ib. made lieutenant-general of the kingdom, ib. courted by queen Elizabeth, 89. is supplanted in the king's favour by the master of Gray, ib. his schemes to regain his ascendancy, 90. his conduct towards Athol, Home, and Cassilis, 91. to Maxwell, 92. is committed prisoner to St. Andrews—obtains permission to retire to Kinrieth, 96. sent for by the king, who had taken refuge in Stirling, 97. the town being taken he escapes, 98. deprived of his title, declared a public enemy, 99. and skulks under the title of captain James Stuart, ib. ordered to ward within the palace of Linlithgow, ib. fails to comply, ib. makes application to the king, 185. offers to the presbytery of Edinburgh to give satisfaction for his offences, 186. is refused to see the king—killed by James Douglas of Parkhead, ib.

Arthur, king of the Britons, takes London, i. 239. York, and keeps the feast of Julia, (Yule,) there, ib. and note. is slain in battle, 243

Arthur's Oven, i. 24, note

Articles, Committee of, abolished, v. 380. See lords of the articles

Associate Presbytery, their declaration or testimony, vi. 395. appoint a professor of divinity, 406. their testimony against the awakening at Cambuslang, 419. injurious to their cause, 420. dissensions among them, 425. differ on the burgess oath, 590

Athelstaneford—origin of its name, i. 263

Athole, earl of, burnt in his house at Haddington, supposed by the emissaries of the Bissets, i. 377

Athole, Walter, earl of, his machinations to obtain the throne, ii. 103-4. murders James L. 112. his punishment, 114-15

Athole, earl of, his dispute with Argyle—joins him in opposing Morton, iii. 19. his interview with the infant king,

**22.** advises him to call a meeting of the nobles, *ib.* appointed chancellor, **28.** joins in proclaiming Morton guilty of keeping the king captive, **31.** concludes a treaty with Angus, **32.** reconciled to Morton, **33.** his death, *ib.*

**Athole**, earl of, lord privy seal, *v.* **3.** marquis, **46.** commands in the high-land host, **62.** joins duke Hamilton in presenting their grievances to the king, **67.** ravages the estates of Argyle, **230.** joins the prince of Orange's party, **284.** his negotiations with Hooke, *vi.* **45.** representation sent with his advice to the king of France, **47**

**Athole**, John, duke of, appointed commissioner to general assembly, *vi.* **134**

**Attacotti**, a race of cannibals in the west of Scotland, *i.* **91-2**, and note

**Augustine**, a monk, disturbs the church by the introduction of the Romish ceremonies, *i.* **250**

**Ayr Banking Company**, its failure, *vi.* **635**

**Ayton**, younger of Inchdarnie, murdered, *v.* **81**,

## B

**Babington's** conspiracy against queen Elizabeth, *iii.* **115**, **119**

**Baillie**, (General,) recalled from England, *iv.* **192.** marches to protect Perth, **193.** sent to Athol to chastise them for their support of Montrose, **194.** ordered to the north, **197.** completely defeated by Montrose, **199.** marches south after Montrose,—is completely defeated at Kilsyth, **215.** surrenders to Cromwell, **318**

**Bailly**, Robert, of Jerviswood, his trial, *v.* **165.** execution, **168**

**Balcarras**, earl of, takes up arms in favour of the king, *iv.* **448.** joins the king on the continent, **450**

**Balcarras**, earl of, appointed by James II. to call a parliament, *v.* **302.** James's letters to him seized, **316.** apprehended, **317**

**Baliol**, Edward, lands at Kinghorn, *ii.* **5.** defeats the earl of Mar at Duplin, **7**, and note. takes Perth, *ib.* crowned at Scoone, **8.** Perth retaken by the adherents of David II. *ib.* surprised in Annandale by sir Archibald Douglas, **9.** swears fealty to Edward III. **10.** wastes the country about Renfrew,—besieges Lochleven castle, *ib.* his army surprised by the besieged, **17.** is carried to England by Edward III. **18.**

is again entrusted with the government, **23.** two armies sent to reinforce him cut off, **24.** goes to England, **26.** recovers his paternal estates and overruns Annandale, **33.** surrenders the kingdom to Edward III. **35**, and note

**Baliol**, John, claims the crown, *i.* **387.** acknowledges Edward, Lord Paramount of Scotland, **393**, note. crowned, **395.** does homage to Edward, **396.** renounces his allegiance, **397.** is pursued by Edward to whom he surrenders himself and crown, **399.** is sent to England, *ib.* imprisoned, **400.** released and sent to France, *ib.* vacates the kingdom to Robert Bruce, **437**

**Ballard's** conspiracy against queen Elizabeth, *iii.* **115-118**

**Balloch**, Donald, wastes Lochaber, *ii.* **93.** Escapes to Ireland, **94.** His head sent to the king, **95**

**Balmerino**, lord, acknowledges his writing to the pope with the knowledge of the king, *iii.* **326.** Is tried—condemned—pardoned—his death, **327**

**Balmerino**, a party to the petition for liberty of discussion in parliament, **407.** is committed for trial, **408.** condemned, **409.** the public detestation at this, *ib.* threaten to revenge his death—pardoned through fear of a public explosion, **410.**

**Balmerino**, lord, appointed governor of Edinburgh castle, *iii.* **502.** at the head of the covenanters, *iv.* **92**

**Balmerino**, lord, joins prince Charles, *vi.* **477.** taken and sent to London, **560.** His trial—found guilty, **563.** his behaviour under sentence, **565.** his interview with Kilmarnock, **566.** His execution, **568**

**Bannockburn**, battle of, *i.* **422-426**

**Barton**, Andrew, procures letters of marque against the Portuguese, *i.* **247.** attacked on his return by the English—falls in the action, **248**

**Bass**, Isle, description of,—converted into a state prison, *v.* **3.** note. reduced and the fortifications razed, **459-61**

**Beaton**, (David) cardinal, forges a will of K. James V. *ii.* **325.** is chosen regent—his fraud being discovered he is deprived of this office, **328.** opposes peace with England, and the marriage of Mary with prince Edward, **239.** his opposition to the regent and the public peace, **330-1.** gets Arran completely in his power, **335.** his cruel proceedings against the protestants **351.** causes George Wishart to be executed for heresy, **358.** his detestable conduct on this occasion, **357.** his fate pronounced by Wishart, **358.** marries his daughter to

earl Crawford's son—is murdered in his palace, 361

Beaton, James, chancellor, joins Angus' party through compulsion, ii. 290. joins Lennox to rescue the king from the Angus party, 293. their revenge, 295.

Belgæ inhabited the sea coast of Britain, i. 82

Belhaven, lord, opposes the act of succession, v. 126

Belhaven, lord, his speech upon the union, 583. apprehended in London,—his death, vi. 71

Bell the cat, a nickname given to earl of Angus, ii. 205

Bellenden, sir Lewis, sent ambassador to England, iii. 91. communicates with the exiled lords respecting the overthrow of Arran and their return, ib.

Berth destroyed by a flood, i. 371. rebuilt and named Perth, ib.

Bisset, William, suspected of setting the earl of Athole's house on fire—refuses to stand trial,—goes into voluntary exile, i. 377

Black, David, cited before the council for unguarded expressions in his sermons, iii. 222. declines the authority of the king and council in matters ecclesiastical, 225. found guilty, ib. removed from his charge, 241

Black Saturday, a violent storm at the rising of parliament, considered as a mark of God's displeasure at their proceedings, ii. 372

Black watch, (42d regiment,) formed, vi. 414. government resolves to send it to Flanders, 423. ordered to London to be reviewed by the king, 426. on discovering the deceit, part of them return homewards, ib. pursued and overtaken, 427. they surrender, 428. three of them shot, the remainder sent abroad and to the continent, ib.

Borderers, the severe measures taken to reduce them, iii. 320-1

Boston's Rev. Thomas, protest in the case of Professor Simpson, vi. 366

Bothwell, James, earl of, intercepts Ormiston on his return from England with money for the reformers, ii. 420. tampers with earl of Moray and the duke of Chattellerault to cut off each other, 454. the plot discovered,—imprisoned in Edinburgh castle, 455. escapes, 459. recalled from France by the queen, 468. is accused by earl of Moray of attempting against his life, ib. is preferred by the queen to the most intimate favour, 486. sent on an expedition to Liddisdale—is wounded,—visited by the queen, ib. the queen's behaviour to him

at the baptism of the prince, 488. provides lodgings for the king at Edinburgh, 490. perpetrates the murder, 493. accused by earl of Lennox as the murderer, 500. tried—the libel found not proven, 501. procures the sanction of the nobles to his marriage with the queen, 503. divorced by his wife, 505. married to the queen, 506. his interview with Moray, 515. proceeds to Liddisdale—is besieged in Borthwick castle, 516. escapes, 517. challenges any of his enemies to single combat, 520. the queen interposes her authority, 521. flies to Dunbar, ib. sends to Edinburgh castle for a casket containing letters of the queen regarding the murder of Darnley, 523. his messenger intercepted and thus the whole crime laid open, 524. flees to the Orkneys and Shetland and commences piracy—lands in Denmark—is imprisoned, and dies, 529

Bothwell, earl of, joins Huntly in the plot to deliver the kingdom to Spain, iii. 168. denounced rebel, 171. tried—imprisoned—released, ib. accused of consulting witches concerning the king's death, 177. is committed to Edinburgh castle, ib. escapes—denounced rebel, 177. his attempt to obtain possession of the king's person, ib. flees to the north, 178. makes another attempt to seize the king at Falkland—is foiled and flees to the borders, 183-4. Elizabeth interposes for his return—the king's refusal, 193. the nobles combine to bring him back, ib. gets admission to the king's chamber, 194. obtains a free pardon, ib. parliament annuls the pardon extorted from the king, 195. flees to the borders, 196. arrives at Leith, 203. defeats Hume, ib. disbands his troops, ib. denied an asylum in England, 205. joins the popish lords, 208. another plot for seizing the king's person discovered and defeated, ib. leaves the country and lives in obscurity and indigence in Italy, 210. his estates divided between Buccleugh, Kerr, and Hume, ib.

Bothwell bridge, covenanters defeated at, v. 91-2

Bourignon, Antonia, her strange doctrines vindicated, v. 508

Boyd, Alexander, accused of bringing the king to Edinburgh, is declared innocent, ii. 190. tried afterwards upon the same charge—condemned and executed, 193

Boyd, Robert, earl of Arran, declared regent, ii. 190. his power undermined—is cited to stand trial—flees to England, 193. dies at Alnwick, 194

Boyd, Thomas, earl of Arran, marries the king's sister, ii. 190. sent to Denmark to bring home the queen, 191. on his return finding his family disgraced, does not land—takes refuge in Burgundy, ib. dies at Antwerp, 195

Boyd, lord, his remonstrance with Morton, iii. 24

Britain, discussion concerning the ancient names of, i. 1-19. situation and extent of, 19, 20. ancient inhabitants, origin, &c. of, 82

Britons descendants of the Gauls, i. 83. worship of both the same, 94. and note; oppressed by Scots and Picts, called Saxons to their aid, who murdered their nobles, and divided the island into seven kingdoms, 114-15

Brown, John, inhuman murder of, by Claverhouse, v. 195

Bruce, Edward, is made king of Ireland, 429. his army cut off, and himself killed, 430

Bruce, Robert, enters his claim to the crown, i. 387. his genealogy, ib. note; refuses to receive the crown as a vassal to Edward, 395. his claim dismissed, ib. refuses to swear fealty to Baliol, 396. is offered the crown by Edward, 398.

Bruce, Robert, son of the above, joins Edward, i. 405. holds a conference with Wallace, 406. conspires with Cummin to throw off the English yoke, 411. who reveals the secret to Edward, 412. is arraigned for treason, ib. escapes, ib. intercepts a messenger from Cummin with letters to Edward, 413. finds Cummin at Dumfries, upbraids him with his treachery, and kills him, ib. is crowned at Scoone by the wife of the earl of Buchan, 415. and note; is defeated at Methven and at Dalrie, ib. his wife taken prisoner and sent to England, 416. his three brothers taken and executed, ib. passes over to the Æbudas, ib. lands at Carrick and takes his own castle, ib. the people flock to his standard, ib. seizes and destroys all the castles in the north of Scotland, 417. defeats Cummin at Inverary, 419. wastes Argyle and Galloway, ib. invades England and returns with great booty, 420. takes Perth by storm, and levels the walls, ib. note; battle of Bannockburn, 421. (see note 422.) takes Berwick, 429. goes to Ireland, 430. irritates his nobles by requiring them to produce their titles to their lands, 431. they conspire against him, 432. discovers the plot, and punishes the conspirators, ib. and note; the kingdom excommunicated, 433. the English advancing he withdraws all provisions in their route, ib. and note; pursues them in their re-

treat, and defeats them, 434. is reconciled to the Pope, and renews the treaty with France, ib. settles the succession, 436. concludes peace with the English, 443. and note; entrusts the government to Randolph and Douglas, and retires to Cardross, 444. his last advice to his nobles; recommends Douglas to carry his heart to Jerusalem, 445. his death, 447

Bruce (Rev. Robert) anoints the Queen of James VI, iii. 174. his conference with the king respecting the banished lords, 217. his doubts with regard to the Gowrie conspiracy, 265. banished, ib. imprisoned at Inverness, 375

Buccleugh receives a part of Bothwell's estates, iii. 210. rescues W. Armstrong from Carlisle castle, 214. delivered to Elizabeth for this affront, 215. sent back by her, ib. ravages England on the borders, 242. enters ward at Berwick on account of the excesses on the borders, 243

Buchan, earl of, ravages Northumberland and Cumberland, and lays siege to Carlisle, i. 400. comes against Bruce at Glenesk, but dares not attack him, 417. is defeated by Bruce at Inverary, 419

Buchan, John, earl of, sent to France to assist the dauphin in obtaining the crown, ii. 80. defeats the English at Little Beaux, 82. created lord high constable of France, ib. falls in battle at Verneuil, 83

Buchanan (George) accused of Lutheran principles, is ordered to be apprehended—escapes—is banished, ii. 317. accompanies the earl of Moray (Regent) as a commissioner to York, 541

Buckingham, suspected of poisoning king James VI, iii. 382, and note

Bull, Stephen, vanquished by sir Andrew Wood, ii. 225

Burghley, lord, chosen president of parliament, iv. 427

Byng, sir George, appointed to the command of the English fleet to intercept the Pretender, vi. 64. receives the freedom of the city of Edinburgh in a gold box, 69

## C

Cæsar, C. J., his account of Britain, i. 2, 7, 130-2

Calderwood, (David) his intrepid conduct when examined before the High Commission, iii. 352—banished, 354.

Caledonians, the Picts, i. 93

Cambualang, extraordinary revival of



religion at, vi. 417—treated by the associate presbytery as the work of the devil, 420

Camelon near Falkirk, not the ancient Camelodunum i. 25-6, and note 189

Cameron of Lochiel joins the pretender, vi. 444. proclaims him at Dunkeld and Perth, 452. wounded at battle of Culloden, 535. his estates forfeited, 599.

Cameron, John, bishop of Glasgow, character and awful death of, ii. 140

Cameron, Richard, falls at Aird's Moss, iii. 108-9—the Covenanters afterwards styled Cameronians, 112

Cameronians:—their distressed state v. 139. their declaration and testimony, ib. burn the Test at Lanark, ib. field conventicles revived, 173. numbers sent as slaves to the plantations, 176. their apologetical declaration, 183. measures of the council to discover the authors of it, 185. those who did not disown it authorized to be put to death, ib. the persecution continued with increased rigour under James II, 193. witnesses refusing to give testimony subjected to the same punishment as the accused, 206. persons in confinement for non-conformity sent to Dunnottar Castle, 210. their shocking treatment, 212. refuse to acknowledge James as king, 254. their conduct at the time of the revolution, 289. draw up a list of their grievances, 343. covenants renewed, ib. raise a regiment for defence of the kingdom, 351. which defeats the rebels at Dunkeld, 362-9. king's supremacy repealed, and outed ministers restored, 380. bravery of their regiment at Hocksted, &c., vi., 7. their conduct at the battle of Preston, 246

Campbell, Hugh, sheriff of Ayr, murders earl of Cassilis, ii. 295. absconds, ib.

Campbell, sir Hugh, of Cessnock, his trial, v. 160. acquittal, 163. sent to the Buss, ib.

Cannon, gen. arrives with reinforcements to Dundee, v. 353. succeeds to the command, 361. defeated by the Cameronian regiment, 362-9

Carausius, a Roman exile, assumes the sovereignty in Britain, i. 198. reconciles the Scots and Picts, ib. killed by Allectus his fellow soldiers, 199

Cardross, lord, unjust and cruel treatment of, v. 33

Cargill, Donald, surprised at Queensferry—escapes to Ayrshire, v. 106. affixes the declaration and testimony to the cross of Sanquhar, 107. excommunicates the king, &c., at Torwood, 110. suffers death, 117,

Carpenter, general, appointed commander in chief in Scotland in the room of John, duke of Argyle, vi. 280

Carstairs, William, negotiates with Argyle, &c., v. 159. interrogated by torture, 164. appointed chaplain to King William, 331. advises the king to attempt a general uniformity in the national churches, 341. moderator of general assembly, vi. 73, 115. deputed to London to watch over the interests of the church, 127. sent to congratulate George I. on his accession to the throne, 177

Cassilis, Gilb. earl of, refuses to submit to the Hamiltons ii. 294. cited to trial, is murdered, ib.

Cassilis, Gilb. earl of, his honourable conduct in returning to England to relieve his hostages, ii. 331. his upright conduct on trial of Bothwell, 501

Cassilis, earl of, represents to the king the dangerous state of the country, v. 66

Cassiterides, supposed to be the most ancient name of Britain and Ireland, i. 1, note

Celts, the Aborigines of Europe, i. 79

Charles I, proclaimed at Edinburgh, iii. 384. his first acts unpopular, 385-6. dispute respecting the property of tithes settled, 388. proceeds to Scotland, 395. his retinue, ib. and note. his entry into Edinburgh, 396, and note. his coronation, 397. ceremony in opening parliament, ib. and note. subsidy granted 398. receives the "grievances and petitions" of the ministers coldly, 402. his conduct in parliament offends the nobles, ib. his departure from Scotland, 403. erects Edinburgh into a bishoprick, ib. rejects the application of the nobles for liberty of discussion in parliament, 407. bishops procure a warrant to hold inquisitorial courts in their dioceses, 411, and note. advised to introduce the service-book in Scotland, 412. book of canons, its contents, 413-14. book of common prayer ordered to be used, 416. the obstruction it met with in St. Giles, 419. the city laid under an ecclesiastical interdict, 420. magistrates deprecate the king's anger, ib. 421. bishops enforce the order respecting the liturgy, ib. the council suspend the use of it for the present, 422. he orders the service to be persisted in, 423. petition of the nobles, &c. and representation of the magistrates against it, 424. supplications from 200 parishes against it—the supplicants ordered to leave the city, and privy council and courts of law to remove to Linlithgow, 428.

supplicants refuse to separate till they fix on a rallying point, 429. draw up an act of accusation against the bishops—citizens of Edinburgh force the magistrates to restore the ministers they had suspended, 430. court of session and council remove to Stirling, 432. the accusation presented to the council, 436. who refuse to do any thing without the king's instructions, 437. proclamation forbidding the meetings of the reformers, *ib.* protested against by the nobles, *ib.* national covenant renewed, 441-6. council represent the necessity of mild measures, 448. the demands of the covenanters, 450. proceedings of the people, 451. insists on the covenant being given up, 453. resolves on reducing the covenanters by force, 461. Hamilton sends him the requests of the supplicants, 463. gives Hamilton powers to grant concessions till he was ready to act, *ib.* grants the original demands of the tables, 467. but instructs Hamilton to sow discord among the parties, 468. the original covenant proclaimed—the tables protest against it, 470. he declares that episcopacy may be limited, not abolished, 476. determines to lead the army against the covenanters, 492. it assembles at York, 497. negotiates with the covenanters, 503. advances from York—issues a conciliatory proclamation, 507. another requiring submission, 508. entrenches on the north side of the Tweed, 511. covenanters send a petition, 512. commissioners appointed to negotiate, 513. a treaty concluded, 515. disavows the concessions made in it, 516. his objections to the acts passed in the assembly, 525. his perfidious instructions to Traquair, 526. parliament opened, *ib.* consents to receive a deputation from it, but determines on hostilities before they arrive, 529. receives the deputation—conferences with them, 530-2. seizes as a pretext for hostilities a letter written by the nobles to the king of France, 532. Loudon's explanation, 533. sends the commissioners to the Tower—sends an order to behead Loudon—recalls it on the representation of Hamilton, 534, and *note.* raises an army, 539. issues his manifesto, *ib.* releases Loudon, and sends him with proposals to the covenanters, 549. his army advances to Newcastle, 550. he arrives at York—Conway attacked by the Scots, and defeated, 558. the covenanters petition for peace, 562. his answer, requiring them to state their demands specifically, which he would submit to a council of nobles, 563.

their demands, 563. meets the council of peers—they advise commissioners to be appointed to treat with the Scots, 567. they meet at Rippon, 568. a cessation of arms agreed to, 569. the conferences removed to London, 570. a truce concluded, 571. calls an English parliament, *iv.* 9. influence of the Scots on the house of commons, 10. Strafford and Laud impeached, *ib.* reluctantly consents to the demands of the Scottish commissioners, 14, 15. consents to the attainder against Strafford, and to a bill preventing the dissolution of parliament without its consent, 17. tampers with the Scottish noblemen—determines to visit Scotland, 20. his correspondence with Montrose discovered, 21. arrives at Edinburgh, 25, and *note.* opens parliament, 26. parliament asserts its privileges—covenant and bond of obedience passed, *ib.* grants parliament the power of appointing the officers of state, 31, and *note.* royalists displeased at his concessions, 33. he is suspected as privy to the “incident,” 34. goes strongly guarded to parliament, 36. inveighs against Hamilton, 38. demands an inquiry into his conduct, *ib.* parliament declares that a plot existed against Hamilton and Argyle—desire them to resume their seats, *ib.* English parliament alarmed at it, 39. suspect the king of a similar design on them, 40. order a strong guard in London and Westminster, and to protect them, *ib.* horrid massacre of the protestants in Ireland, 42. he is suspected of being privy to it, 44, and *note.* lays accounts of it before the Scottish parliament—their strong representation, imputing the massacre to his evil councils, *ib.* the parliament rises, 47. he leaves Scotland, 49. his enthusiastic reception in London, 61. dismisses the guard ordered by parliament, 62. his disputes with the English parliament, 65-9. leaves Whitehall, 69, and *note.* parliament meets—apprised of his hostile intentions—their prompt proceedings in consequence—he assembles troops at Windsor, 70. the representation of the Scottish commissioners to him, and offers of mediation to parliament, 71. disapproves of their interference—they are thanked by parliament, 72. he reluctantly consents to allow the Scots to send assistance to Ireland, 73. determines to send the queen to Holland, *ib.* disappointed in an attempt upon Hull, 75. arrives at York, *ib.* his hollow negotiations with parliament—they vote his taking arms a breach of the trust reposed in

him, and all who assisted him traitors, 75-6. receives supplies from Holland—again attempts Hull, 76. propositions submitted to him by parliament—his reply, *ib.* commencement of hostilities—the royal standard raised at Nottingham, 77. the Scots renew their offer of mediation, 78. he declines it, *ib.* advised by Hamilton to recall the queen from Holland, *ib.* his letter to the general assembly, 80. they supplicate for uniformity in religion, 83. his letter to the conservators of the peace, 87, and note. they join in proposing to invite the queen to return and mediate, 88. he rejects the offer, 89. declares he will make no concession to the parliament, *ib.* parliament of England applies to the Scots for assistance, *ib.* his counter address, 90. grants safe conduct to the Scots commissioners to mediate, 95. retrospect of the campaign, 96. parliament sends commissioners to Oxford to treat for peace—demands of both parties, 100. parliament break off the negotiations, *ib.* the Scottish commissioners arrive, *ib.* he refuses their mediation, 101. his reply to the petition of the general assembly, 102-3. the queen lands at Burlington, 103. a Scottish parliament called without his advice, 107. sends commissioners to Scotland to prevent any treaty with the English parliament, and the return of the army from Ireland, 108. concludes a truce with the Irish rebels, 126. the light in which this was viewed in Scotland—they raise an army to assist the English parliament, 127. his answer to their manifesto, 131. authorises the introduction of 10,000 Irish into Scotland, *ib.* requested to call an assembly of divines to decide on uniformity of worship, &c. 133. proclaims it illegal, 134. his army defeated at Marston Moor, 146-9. jealousy of the parliamentary leaders, 167. he makes advances to parliament for peace—he dismisses the deputies sent to Oxford with propositions, 170. negotiations at Uxbridge, 171-8. takes and plunders Leicester, 208. defeated at Naseby, 209. his cabinet taken—exposure of his treachery, 210. he retires to Wales, *ib.* advances to Litchfield, 211. raises the siege of Hereford—arrives at Oxford, 212. appoints Montrose captain general of Scotland, 217. comes to the Scottish army, 228. his unsuccessful attempts to negotiate with all parties, *ib.*—237. orders Newark to surrender—proceeds with the army to Newcastle, 240. parliament demands him to be sent to Warwick

castle—the Scots refuse to give him up, 240. orders Montrose to lay down his arms, 242. his message to parliament on going to the Scots, 243. the Scottish commissioners and army deny any arrangements to have been made with him, 244-5, and note. refuses to grant the covenant, 247, and note. his conference with Mr. Henderson, 248. propositions made to him by the English and Scots, 252. commissioners present the propositions, *ib.* the officers on their knees desire his consent—earl of London's pathetic address, 255. his unsatisfactory answer, 257. reception of it in parliament, 258. pressed by the Scots to consent to the covenant, 262. he remains obstinate, *ib.* discussions in the English parliament respecting the disposal of his person, 265. remains inflexible with respect to the propositions, 269. requests to be allowed to come to London—parliament appoints Holmby House for his residence, 271. the estates resolve on delivering him to the English, 273. delivered, 274. dissension in the army, 275-8. they get possession of the king, 278. march to St. Albans, 279. overawe parliament, *ib.* court him, and grant him more liberty, 281. strenuously advised by the queen to attach himself to the independents, 282. he haughtily rejects their proposals, 283. his conciliatory letter to the army too late, 284. again refuses the propositions of the parliament, 285. a clandestine treaty with the Scots commenced, 286. escapes to the Isle of Wight, 287. his offers to parliament, 289. terms on which the parliament will admit him to a personal treaty, 290. opposed by the Scottish commissioners, *ib.* urges them to come to the Isle of Wight—concludes a treaty with them, 292. its conditions, 293. frustrated in an attempt to escape, 295, and note. parliament declares that he ceased to reign, 296. insurrections in London and other places in his favour, 315. fresh negotiations with parliament, 316. parliament commences a new treaty with him, 331. presbyterians anxious to conclude it—his procrastination and duplicity prevents it, *ib.* the army demands justice on him as the cause of all the troubles, 335. take possession of his person and carry him to Hurst castle—parliament protests against this—the army overawe them, *ib.* the commons declare his concessions unsatisfactory, and treason in him to levy war against the people—the lords refuse their accession to this—the commons



declare themselves the supreme power of the nation—erect a high court of justice for his trial, 336, and note. see also 337, note. trial commences, 338. the charges against him, 340. his objections to the court and charges, 341. overruled, 342. found guilty—his appeal to the lords and commons refused, *ib.* his sentence, 343. his behaviour after sentence, *ib.* and upon the scaffold, 344. beheaded, 346. his character, *ib.* see also 347, note. reflections, 349

Charles II. retires to France to his mother, *iv.* 210. joined by Lauderdale and others in Holland, 361. conditions on which he is to succeed to the throne, 362. he is proclaimed at Edinburgh, 363. the demands of the Scottish parliament before he should exercise the royal power, *ib.* his treatment of the Scottish commissioners, 368-9. obliged to leave Holland, 369. proceeds to France, is coldly received—goes to Jersey, 371. to Breda, where the treaty for his return to Scotland is completed, *ib.* urges Montrose to make a descent on Scotland, 372. his instructions to him, *ib.* note. arrives at the mouth of Spey—takes the solemn league and covenant, 382. causes of distrust between him and the covenanters, 384. the kingdom invaded by the English, 386. he arrives in the camp, 391. refuses to sanction a proclamation addressed to the invading army, 392. is hurried from the camp to Dunfermline, 393. constrained to accede to the “Dunfermline Declaration,” 396. the estates purge his household of malignants, 403. enters into a conspiracy with them to seize the estates, 404. he escapes from Perth—followed and brought back, *ib.* his apology for the “start,” 407. his coronation, 420. takes command of the army—its excellent position, 429. induced by false representations to march into England, 431. defeated at Worcester—particulars of his escape, 435. lands in Normandy, 438. offers a reward for assassination of Cromwell, 460. arrives at Calais, 463. parliament acquiesce in recalling the king, 467. receives professions of loyalty from Monk, 468. his letter to the parliament, *ib.* he enters London, 469. issues a proclamation restoring the bishops, &c. and to exclude (fanatics) presbyterians from the magistracy, 494. bishops restored by parliament to their original privileges, 495. national covenant declared unlawful, 496. act of oblivion pressed, 497. its malicious tendency, 498. courts the nonconformists, 540. proposal for a

union with England revived, 543. proves abortive, 554. thanksgiving day for his restoration appointed, *v.* 6. committee for public affairs instituted, 44. sanctions the introduction of the highland host, 61. a writ of lawburrows taken out at his instance against his subjects, 64. suspends the lawburrows, 67. orders a new army to be levied, 70. powers granted to it, 73. sends the duke of Monmouth to Scotland, 90. his expression respecting Bothwell bridge, *ib.* excommunicated at Torwood, 110. duke of York appointed commissioner, 122. new Test act passed, 124. appoints a commission of seven to govern Scotland, 169. seized by apoplexy, 187. receives the last ceremonies of the Romish church, *ib.* his death, 188. character, *ib.*

Charles Edward, prince, called to command the descent upon Britain (1743) *vi.* 430. French sail from Brest—descriing the British fleet, they return to port, 431. witnesses the destruction of the armament at Dunkirk, and returns to Paris, 432. resolves on another expedition, 438. lands at Eriska, 440. at Boradale, 442. raises the royal standard at Glenfinan, 446. produces his commission as regent, and publishes a manifesto, *ib.* determines to march to the south, 451. arrives at Perth, 452. advances to the capital, 454. his negotiations with the magistrates, 458. takes possession of Holyrood house, 460. proclaims his father at the cross, 461. marches eastward to meet the royal forces, 465. defeats them at Prestonpans, 469, 70. returns to Edinburgh, 473. advances towards England, 478. takes Carlisle, 479. arrives at Manchester, 482. at Derby, *ib.* retreats, 483. levies a contribution on Dumfries, 488. arrives at Glasgow, *ib.* his contribution on the inhabitants, *ib.* defeats the king's army at Falkirk Muir, 495-7. unsuccessful attack on Stirling castle, 502. proceeds to the north, 504. narrowly escapes being taken by lord Loudon, 508. enters Inverness—takes Fort George and Fort Augustus, 511. receives supplies from France, *ib.* Hazard sloop of war, with supplies, and another vessel taken by the Sheerness, 521. his perilous situation, 522. scattered state of his forces, 525. fails in an attempt to surprise the royal army, 529. battle of Culloden, 532. retires from the field, 535. his interview with Lovat, 536. his chiefs urge him to renew the contest, *ib.* he refuses, 537. his army disperses, *ib.* goes to the Hebrides, 549. escapes from

Uist in female attire, 550. arrives at Boradale, 552. his wanderings and narrow escapes, *ib.* 554. story of Mackenzie, *ib.* escapes to France, 559. sent out of France—visits England—retires to Albano—marries—his death, 596

Chattellerauld, James, E. of Arran created duke of, *ii.* 383 resigns the regency, 384. attempts a reconciliation between the queen regent and the congregation, 413. joins the reformers, 415. banished for being absent from the queen's marriage, 471. flees to the borders, 473. named a tutor of James VI. 525. urged by the French court to prefer his claim to be regent—applies to Elizabeth for assistance, 548. who decides against him, 552. appointed by Mary lieutenant of the kingdom, 554. his excuses to evade swearing allegiance to the king, *ib.* committed prisoner to Edinburgh castle, 555. borrows money and raises soldiers for the queen, 577. negotiates with Morton, 581. encouraged by the French king, 583. calls a parliament at Linlithgow, *ib.* the English arriving at Edinburgh—he proceeds to Glasgow—flees to Argyle, 586. his estates plundered and castle taken, 587. Paisley tower surrenders to the regent, 592. concludes a treaty with Morton, *iii.* 3

Christianity first introduced into Scotland, *i.* 187, 205. provision made for the teachers, 234

Church, first representatives of in parliament, *iii.* 255

Circuits for the more convenient administration of justice, first appointed by Evenus, *i.* 168. ordered to be held twice in the year, *vi.* 583

Clan Chattan and Clan Cameron nearly extirpate each other, *ii.* 93

Claverhouse (Graham of) surprises and makes prisoner Mr. King, *v.* 86. defeated at Drumclog, King rescued, 87. his wanton barbarity in Galloway, 101. his inhuman murder of John Brown, 195. his refined cruelty, 198. See DUNDEE

Coilus, King of the Britons, slain, *i.* 158, and note

College of Justice established, *ii.* 306. does not fulfil the expectations it created, *ib.* origin of name of Court of Session, *ib.* note

Columba (St.) crowns Aidanus, *i.* 246. account of him, *ib.* note

Columba (St.) Iona or Icolm-kill, island of, *i.* 45, and note. its ancient monuments, 46

Committees first introduced into parliament, *iii.* 155

Congregation, reformers assume the name of, *ii.* 398 and enter into a bond for unity and defence, *ib.* allowed to use the vulgar tongue in worship, but forbid to preach publicly in Edinburgh, 400. take Perth, 412. burn Scoone, *ib.* destroy the monasteries at Stirling, *ib.* strip the churches at Linlithgow and Edinburgh of popish trappings, and appoint preachers, 413

Congregation, lords of, their representation to the queen regent, *ii.* 416. they denounce her as regent—their unfortunate attempt on Leith, 417-20 another unsuccessful attack, 421. defeated at Edinburgh, *ib.* march to Stirling, 422. apply again to England for assistance, which is promised, 422. conclude a treaty with the English, 423. English fleet arrives in the Forth, 424. joined by the whole northern coast of Scotland, 426. join the English at Haddington, *ib.* their letter to the queen regent, 427. unsuccessful in their siege of Leith, 429. make peace with the French, 433

Conservators of the peace, convened, *iv.* 87. inclined to trust the king, 87. proposal for the queen to mediate between the king and parliament, 88. rejected by him, 89. apply to the king and parliament for safe conduct to commissioners to mediate, 94. their commissioners arrive at Oxford—their instructions, 100. the king refuses their mediation, *ib.* unpleasant and dangerous situation of the commissioners at Oxford, 106. recalled, *ib.*

Constantine, the Roman emperor, born in Britain, *i.* 199. withdraws all the Roman forces from it, 213

Constantine I, his reign, *i.* 230

Constantine II, crowned at Scoone, 278. attacks the Danes on their landing in Fife—defeats a part of their army—pursues them to a fortified camp near Crail—loses most of his army—taken prisoner, and put to death, *ib.* and note

Constantine III, *i.* 286. joins the Danes against the English, *ib.* defeated, 287. resigns the crown, *ib.*

Constantine IV, declared king by the people, *i.* 312. the throne disputed by Malcolm, son of Kenneth, 313. attacked by Kenneth, Malcolm's brother—they meet in battle, and both fall, 314

Cope, sir John, apprized of the young pretender's motions, *vi.* 447. ordered to proceed to Fort Augustus, 448. difficulties attending his march, 449. proceeds to Inverness, 451. lands at Dunbar, 461. advances to Haddington, 465.

defeated at Preston-pans, 470. escapes to Berwick, 479

Corbredus I, his reign, i. 174

Corbredus II, surnamed Galdus, supposed to be the Galgacus of Tacitus, king, i. 176. the first king who fought with the Romans, *ib.* defeated by Agricola, 177, and note. he expels the Romans, 179. his death, *ib.*

Court of high commission instituted, *iv.* 513

Covenant, national sworn to by James VI. *iii.* 38. by Charles II. at Scoone, *iv.* 422

Covenant and solemn league, copy of, *iv.* 117. agreed to by the English Parliament, and ordered to be taken by the nation, 125. ratified by the Scottish Parliament, 165. sworn to by Charles II. at Scoone, 422. declared unlawful, void and null, 496

Covenanters, blockade Edinburgh castle, and put guards on the city gates, *iii.* 455. conferences with Marq. Hamilton—refuse to renounce the covenants—their ultimatum, 457. he determines to proclaim the king's declaration—forced to abandon his intention, 458. his conciliatory overtures—their declaration, 459. he surreptitiously publishes the declaration—they protest, 460. protest against the bishops sitting in the assembly till cleared by trial—commissioner refuses to command their appearance, 474. the accusations, 475. proceedings of the assembly—excommunicate the bishops, 487. assert their right to meet, reserving to the king the right to indict a general assembly, *ib.* their address to the king, 489. prepare for resisting him, 492. supplied with money from France, 493. take Edinburgh and Dunbarton castles, 497. take Traquair's residence at Dalkeith, with the ammunition intended for Edinburgh castle, and the regalia—Tantallon and Douglas, 498. fortify Leith and coast of Fife, 501. Hamilton arrives in the Forth, 502. their army marches to the borders, 507. encamps on Dunselaw in sight of the English, 509. present a petition to the king, 512. appoint commissioners to treat, 513. a treaty concluded, 515. reasons for their agreeing to it, 517. unsatisfactory to both parties, 518. a general assembly held—act containing the causes and remedy of the evils in the church passed, 522. Traquair's declaration, 523. procure the covenant to be renewed, 524. their alacrity and zeal in providing for the public safety, 539-40. parliament excludes the bishops from their seats—ratify the acts of as-

sembly—choose a committee to manage the army, raise money, &c. &c. 540-1. castle of Edinburgh fires on the town, *ib.* sir A. Leslie appointed commander-in-chief, *ib.* assembly meets at Aberdeen, 544. act passed against private persons explaining the scriptures, or admitting to family worship, more than the members of the family, 547. army arrives at Dunse, *ib.* publish their intentions, 551. crosses the Tweed, 555. encamps on Newcastle muir, *ib.* marches to Newburn, 556. defeats the English, 557-8. Dunbarton castle surrenders, *ib.* besiege the castle of Edinburgh,—it surrenders, 559. they obtain possession of Newcastle, 560. take Durham, Tynemouth, and Shields, 561.—supplicate for peace, 562, *ib.* their demands, 563. they levy contributions, 564. the army becomes discontented, 565. reinforcements sent to the army, 566. the king appoint commissioners to treat with them, 567. they meet at Rippon, 568. a cessation of arms agreed to, 569. conference removed to London, 570. a truce concluded, 571. expecting England to accept the covenant, do not press the treaty, *iv.* 11. propose a uniformity of worship, 12. treaty concluded, 17. apply to the English parliament for a uniformity of worship, 18. act of oblivion—persons excepted from it, 19. parliament meets—their firmness in respect of their privileges, 28. covenant and bond of obedience approved by the king and estates, *ib.* act of amity with England and Ireland, 30. obtain the right of appointing the officers of state, 31. decision of the general assembly respecting private religious meetings, 50-2. correspondence with the English presbyterians—disavow independency, 53. desire uniformity in worship and church government, 54. a committee appointed to inquire into the state of the highlands and islands, 56, note. state of parties at the king's departure, 57-9. objects of the king's late visit, 59. general assembly meets—their supplication to the king respecting uniformity of worship, 83. desire the commissioners in London to use every lawful means to accomplish this end, *ib.* answer of the English parliament, stating their having called an assembly of divines, 85. and inviting them to send some of their ministers to it, 86. commissioners arrive from England, demanding aid, 112. covenant agreed upon, 117-121. approved by the assembly, 121, see note, *ib.* ratified by the estates—remarks upon it, 122. pass an act against the dis-

semination of books tending to separation, and free discussion on the point of uniformity, 124. and against witchcraft, 125. the solemn league and covenant sanctioned by the English parliament, *ib.* and note. sworn in the high church by the estates, &c. and ordered to be sworn throughout the kingdom, *ib.* plan for murdering the heads of the covenanters defeated, 126. peremptory orders for enforcing the covenant—raise an army to assist the English against the king, 127. Leslie appointed commander, *ib.* note. it assembles on the borders, 129. their manifesto, *ib.* the king's answer to it, 131. their commissioners to the Westminster Assembly arrive in London, 134. refuse to agree to a church government different from their own, 137. army assembles at Harlaw—advance to Morpeth, 140. to Newcastle—checked by a sortie—leave it invested—enter Sunderland, 141. their distress for provisions, *ib.* defeat the royalists at Selby, 143. defeated in an assault on York, 145. prince Rupert defeated at Marston Moor, 147-8, note. York surrenders, 150. take Newcastle by assault. 151. Tynecastle surrenders, *ib.* defeated at Tippermuir by Montrose, 159. at Aberdeen—the town sacked, 161, and note. general assembly confirms the censures against Montrose and Huntly, 165. extraordinary efforts to raise an army, 181. general assembly's spirited address to parliament, *ib.* to the nobles, ministers, &c. 185. representation to the king, 188. directory for public worship adopted by the assembly of divines presented to it, 189. Baillie defeated by Montrose, 199. assembly at Westminster decides in favour of presbytery, 203. take Carlisle, 211. their army completely defeated at Kilsyth by Montrose, 215. the English parliament refuses to establish presbytery as the exclusive form of worship, 226. besiege Newark—the king comes secretly to the army, 228. estates meet at St. Andrews, 232. trial of those who had joined or assisted Montrose, 233, and note. instructions to their commissioners respecting peace with the king, 234. prohibit the printing of any books on religion—enact schools in every parish, 235-6. the king accompanies the army to Newcastle—they refuse to deliver him to the English, 240. send Middleton against Montrose, who is ordered by the king to lay down his arms, 242. the king refuses to grant the covenant, 247. conference of Mr. Henderson with him on the sub-

ject, 248. propositions made to the king by the English and Scots, 252. their proposal to disband their army and withdraw, 258. he still refuses to grant the covenant, 263. commissioners appointed to solicit his settling of religion, and to show him the consequences of his refusal, 270. his answer, 271. estates resolve on delivering him to the English, 272. declaration of the estates, and desires of the kingdom forwarded to the English parliament, 273. the king is delivered, and the army proceeds to Scotland, 274. war against England resolved on, 305. the church protests against it, 306. Berwick and Carlisle seized by the English royalists, *ib.* committee of danger confer with the church, 307, and note. preparations for war—the demands sent to the English parliament—a declaration issued, 310. the church gives in a representation against it, 311. Hamilton appointed commander-in-chief of the army—backwardness of the people to enlist, 313. proceedings at Glasgow and in Clydesdale, on enforcing the enlistment, 314. the army enters England—character of the commanders, 316. the army proclaimed traitors by the English, 317. defeated by Cromwell, 318. general assembly meets, 320, and note. disputes with the estates—their declaration, 321. supplication to the king, 323. the estates resent their proceedings, 325. proceedings of the nobles averse to war encouraged by the ministers—western counties break out into open insurrection, 326. Munroe recalled—Lanark marches to oppose the sectaries—the Westlanders arrive in Edinburgh—the estates withdraw, 327. estates prevent Munroe from attacking the army under D. Leslie—Argyle surprised at Stirling by Munroe, 328. the engagers agree to yield—demit their officers and disband their army, *ib.* join the presbyterians in England in soliciting the king to consent to the propositions of both kingdoms, 350. their motives for preserving his life, *ib.* request the English parliament to delay the trial or execution of the king, 351. protest of the commissioners against their proceedings, 352. of no avail, 354. application to Fairfax and Cromwell ineffectual, *ib.* effects of the execution of the king—parliament passes the Act of Classes—its stipulations 359. remonstrance to the English parliament on setting monarchy aside, 365. the commissioners seized and imprisoned, 366. the remonstrance declared by the commons insulting, and as intended

to produce war, *ib.* the parliament acknowledge the remonstrance, 367. demand the liberty of the commissioners—they are brought to Berwick and dismissed, 368. general assembly's declaration respecting accession of Charles II, 370. treaty for his return concluded at Breda, 371. he arrives, 382. their endeavours to avoid war with England, 385. Cromwell invades the country, 386. David Leslie appointed to command the army, 389. Cromwell defeated at Edinburgh, 390. retreats to Dunbar—the Scots pursue, 397. Leslie forced by the committee of church and state to give battle, 398. the army completely defeated, 400. Leith and Edinburgh taken by the English, 402. the army retires to Stirling, *ib.* address of the church to the nation on this event, *ib.* the western counties associate for defence of the country, 408. their opinion respecting the king, 409. the western association draw up a remonstrance, and send it to the estates—its purport, 410. their decision regarding it, 412. decision of committee of assembly, 413. parliament meets—the king's speech, 414. Montgomery sent to join the western association—Kerr attacks Lambert—defeated and made prisoner, 415. malignants and declared rebels admitted into the army on submission to the church, 417. officers appointed allowed access to the king, 418, and note. the king crowned at Scoone—lord Loudon's address, 420. the king's answer, 421. they lose the ascendancy in parliament—James Guthrie, minister of Stirling censured, for opposing its resolutions, 427. Act of Classes rescinded, 429. the king marches to England, 432. is defeated at Worcester, 435. he escapes to Normandy, 438. remonstrants sue for terms of peace—English parliament send commissioners to effect an incorporating union—state of the country, 442. general aversion of all classes to it, 443, and note. it is declared by Cromwell, 444. conditions favourable to Scotland, 445. general assembly meets—dissensions among them—prohibited by Cromwell for again meeting, 446, note. state of the country under Cromwell, 455. causes of its peace and tranquillity, 456. the king recalled, 469. committee of estates appointed by last parliament allowed to act, 472. their obsequiousness, 473, and note. Middleton arrives as commissioner, 474. opens parliament—composed of ultra-royalists—oath of allegiance—its dubiety, 475. covenant annulled—the ministers meeting to supplicate against this, ordered to

disperse under pain of treason, 477. the recissory act—its extent and consequences, 478. Middleton goes to London and recommends the introduction of episcopacy, 491. the king accedes to it—communicates it to the privy council, 493. the privy council submit—episcopacy restored by royal authority—the Scottish bishops averse to re-ordination, *ib.* they yield—their consecration in Westminster Abbey—reception in Edinburgh, 495. restored by parliament to all their original prerogatives, &c. *ib.* take their seats in parliament, 496. national league and covenant declared unlawful, *ib.* presbyterians disabled from holding offices under the crown, *ib.* see note. difference between the preceding and present episcopate, 497. act of oblivion—its substance, 498. abjuration of the covenants re-enacted, 510. severe acts against them, 513. insurrection in the west, 520. the insurgents march eastward, 525. defeated at Pentland, 526. prisoners executed, 527. others condemned in absence, 536. proposal for recalling the outed ministers, 542. proceedings against conventicles, 548. ministers attending them subjected to death and confiscation, 550. act of grace considered as approving of field meetings, v. 18. communion in Teviotdale, 19. ladies of Edinburgh petition for toleration to their ministers, 25. letters of intercommuning issued, 35. their effect, 36. skirmish at Whitekirk, 37. violent measures of the council, 51. introduction of the highland host, 62. the cess imposed—its effects, 74. acts recissory, &c. burnt at Rutherglen, 86. affair of Drumclog, 87. battle of Bothwell Bridge, 91-2. prisoners confined in the Greyfriars church yard, 98. a number shipped for the plantations, wrecked at Orkney, 100. violent proceedings of the justiciary court, 102. declaration and testimony affixed to the cross of Sanquhar, 107. affair of Airds Moss, 108. Donald Cargill excommunicates the king, &c. at Torwood, 110. styled Cameronians, 112. see Cameronians

Cowper (John) takes possession of the pulpit of St. Giles' on the fast appointed on account of queen Mary's situation, *iii.* 135. interrupted by the king in his prayer—his reply, *ib.* ordered down, *ib.* his denunciation against the king, 136. imprisoned, *ib.* see note.

Crail, the apparatus of superstition destroyed, *ii.* 409

Crawford, earl of, killed in an affray, *ii.* 136

Crawford, earl of, joins Douglas, *ii.*



151. encounters the king's forces, 155. submits—his death, 158.

Crawford, earl of, killed in an affray with Glamis, iii. 28

Crawford, earl of, committed to care of lord Hamilton, iii. 99

Crawford, earl of, appointed treasurer, iv. 471. his opinion in the council relative to the introduction of episcopacy, 492. presses an act of oblivion, 497. his objections to the bill of indemnity, 499

Crawford-Moor, battle of, iii. 92

Cressingham, Hugh, appointed lord chief-justice in Scotland, i. 400. defeated at Stirling by Wallace, and slain, 403

Crichton, William, Chancellor, ii. 117. the king taken artfully from his custody by the queen, 118. besieged in Edinburgh castle, 121. surrenders to the king, 122. surprises the king near Stirling, 125. retires from court, 134. proclaimed a traitor, 135. again made chancellor, 137. sent on an embassy to France, 140. his death, 162

Cromarty, earl of, raises men for the pretender, vi. 489. forces lord Loudon to retreat, 511. defeated at Golspie, and himself and son made prisoners, 538. sent to London, 560. his trial—pleads guilty, 563. reprieved, 565. his estates forfeited, 599

Cromdale, James VII. his adherents defeated at, v. 385

Cromwell, Oliver, his declaration on the remonstrance being voted, iv. 61. appointed lieutenant-general to earl of Manchester, 144. takes Lincoln, ib. defeats prince Rupert at Marston Moor, 147. appointed lieutenant-general of the cavalry, 207. defeats the king at Naseby, 209. sent by parliament to appease the army, 277. desirous of arranging with the king, 282. entreats him to conciliate the army, 284. cause of his open hostility to the king, 287. obtains a resolution by parliament, that the king had ceased to reign, 296. defeats the Scottish army at Preston, 318 and 319, note. the covenanters apply to him for assistance, 329. arrives at Edinburgh—his honourable treatment. 330. returns to England, 331. appointed by the commonwealth to command the army sent into Scotland—arrives on the Tweed, 386. defeated in an attack on Leslie's lines—retreats to Musselburgh, 390. refuses to treat with any party who acknowledged the king, 396. defeats the Scots at Dunbar, 400. advances to Stirling—retires to Linlithgow—offers to negotiate, 405. refused, 406, and note; advances to the west—

his measures to conciliate the people, 409. Edinburgh castle surrendered to him by treachery, 419 and note. takes North Queensferry, 430. takes Perth, 431. follows the king into England, 432. defeats him at Worcester, 435. PROTECTOR, 444. declares the incorporating union of Scotland with England, ib. issues an order for completing it—his government beneficial to Scotland, 455. general view of his government—purity of his court, 458. picture of the court of Charles, ii. 459, note. disturbed by plots, ib. a reward offered by the king for his assassination, 460. his death, ib. and note; character, 461

Cromwell, Richard, protector, iv. 462. his bad policy in forming a parliament—courts the royalists—constitutes a board of general officers—forced by it to dissolve the parliament—resigns, 463. commotions which followed in England, ib.

Cubiculars, or officers of the king's household, effect the overthrow of the Octavians, iii. 235

Culdees, origin of, i. 199; see note pp. 45, 6

Cumberland, duke of, commands the army sent against the rebels, vi. 481. takes Carlisle, 486. assumes the command in Scotland, 501. leaves Edinburgh, ib. arrives at Stirling, 504. at Perth, 505. excesses of his troops, ib. arrives at Aberdeen, 507. marches northward—passes the Spey, 523. battle of Culloden, 532. takes possession of Inverness, 537. joined by the Grants, 538. spoils the Frazers, 539. occupies the country of the Macintoshes, ib. address of general assembly, and his answer, 544. surrounds the rebel districts, 547. repairs to Fort Augustus—excesses in disarming the rebels, ib.

Cumin, David, earl of Athole, left by Edward III. to command in Scotland, ii. 18. seizes possessions of the Stuarts, and reduces Buchan and Moray, ib. flees to Lochaber, is pursued, taken, and swears fealty to David II. 20. joins Edward III. at Perth, is left in command by Edward, ib. defeated and slain at Kilblaine Wood, 22

Cumin, John, envious of Wallace's fame, 405. deserts him at Falkirk, 406

Cumin, John, (the younger,) regent, i. 407. expels the English governors, 407. defeats the English at Roslin, 408, 409, note

Cumin, John, (the red,) conspires with Bruce to throw off the yoke of Edward I. 411. reveals it to Edward, 412. is killed by Bruce, 413

Cunningham of Drumwhassel, executed for a pretended conspiracy, iii. 87, 88.

Cupar-Fife, images, &c. of the papists destroyed at, ii. 405

## D

Dalglish, Nicol, regent of St. Leonard's College, his barbarous treatment, iii. 84

Dalziel (sir Thomas of Binns,) appointed commander of the army, iv. 520. defeats the covenanters at Pentland, 526. his barbarous proceedings in the west, 534. excommunicated at Torwood, v. 110

Danes invade and conquer England, i. 115. land in Fife, defeat the Scots, put Constantine II. to death, 279. Northumberland recovered from them by the Scots, 282. invade Scotland, 290. besiege Perth, defeated, and leave the country, 303, 304. make several landings in the north, but ultimately reduced and make peace, 317-321. again land in Fife, 328. besiege Perth, 329. totally discomfited, 330. defeated in another expedition, ib. swear never to invade Scotland again, 331

D'Arcy, Antony, a Frenchman, appointed governor of Dunbar, and president of the regency, ii. 276. is killed in endeavouring to quell a commotion, 277

Darien, account of the settlement at, v. 445. the English parliament declares against it, 450. expedition sails from Leith, 466. its arrival, ib. constitution of the colony, 467-9. its distressing state, 473. abandoned, 475. another attempt to settle a colony, ib. finally abandoned, 478. discontent produced in consequence, 481. proceedings of parliament regarding it, 484. serious riot at Edinburgh, 487. further proceedings of parliament respecting it, 497. Patterson's letters and proposals regarding, *App.* 1, 7, 8. reimbursement to the company at the Union, vi. 13

Darnly, Henry, son to E. of Lennox, returns to Scotland, and is graciously received by the queen, ii. 466. created duke of Rothsay and earl of Ross, 470. is married to the queen, and proclaimed king, 471. the queen deprives him of any share of the government, 475. puts Rizzio to death, 481. carried to Dunbar by the queen, 483. declared by proclamation not accessory to the murder of Rizzio, ib. follows the queen to Alloa, ordered away, 486. retires to Stirling, ib. goes to visit the queen at Jedburgh, ordered away, 487.

his base treatment at the baptism of his son, 488. departs for Glasgow, being previously poisoned, ib. recovers from the effects of it, 489. his death resolved upon—visited by the queen, who affects to be reconciled to him, 490. brought to Edinburgh, and placed in a house prepared by Bothwell, 490. his confidence in the queen's returning affection—she visits him daily, and procures his reconciliation with Bothwell, 491. is disturbed at her remark on Rizzio's death in their last interview, 493. is murdered, together with the servant who slept in the same apartment, ib. and the house blown up, 494

David I. succeeds Alexander I. i. 350. his profuse liberality to the monks, 351. quells the insurrection of E. of Moray and of Mal. Macbeth, 352. refuses to acknowledge Stephen as king of England—Stephen defeated at Allarton, consents to peace, 351. breaks the treaty, and plunders the Scottish territories, 355. David retaliates on Northumberland, ib. peace concluded, 356. his son Henry dies, ib. his excessive grief, and magnanimous fortitude under this affliction, 357. his death, 358

David II. succeeds his father, Robert I. ii. 2. E. Baliol arrives in Scotland, 5. assumes the crown, 8. David sent to France, ib. returns, 28. makes three inroads into England, 30. defeated and made prisoner, 32. released, 36 and note; punishes those who deserted at the battle of Durham, 37. his death, 38

David, duke of Rothsay, son to Robert III. his vicious conduct ii. 71; starved to death by his uncle, 72.

Davidson (secretary to Elizabeth) rejects the proposal to put Mary secretly to death, iii. 137. the blame of Mary's execution thrown on him, 143. deprived of his office, tried, fined and imprisoned, 144.

Declaration and Testimony affixed to the Cross of Sanquhar, v. 107.

Derwentwater, earl of, joins in the rebellion 1715, vi. 225. delivered as a hostage to the royalists, 251. impeached, 270. pleads guilty, ib. applications for mercy fruitless, 271. regrets his having pleaded guilty—suffers death, 272

D'Essy, M. arrives at Leith, ii. 371. joins in the siege of Haddington, 374. attempts to take it by storm, ib. repulsed, 376. drives the English from Jedburgh, ib. recalled, ib. takes Inchkeith, and delivers up his command, ib.

Deucaledonian—Duncaldonian, i. 98.

Donald I. king, i. 187. converted to

Christianity, 187. the kingdom subdued by Severus—his death, 191

Donald II. his reign, i. 196

Donald, son of Donald of the Isles, afterwards Donald III.—lands in Moray—defeats Donald, ii. 196. takes possession of the throne—prohibits all but his own servants from using arms—murders his nobles, *ib.* is slain by Crathilinthus, 197

Donald IV. raised to the throne, i. 252 and note. his exemplary piety and learning, 253. dies, 254

Donald V. succeeds his brother Kenneth II, i. 275. defeats the English—retakes Berwick, *ib.* English renew the invasion, surprise his army and take him prisoner, *ib.* the king restored to his throne—imprisoned by his nobles—puts himself to death, *ib.* see note 278

Donald VI. his reign, i. 285

Donald (Bane) VII. succeeds his brother Malcolm III, i. 347. his nobles invite Duncan, natural son to Malcolm III. to take the government, 348. causes Duncan to be murdered and resumes the government—detested by his people for ceding the *Æbudæ* to the Norwegians—his death, 349

Donald of the Isles invades Albion—pursued by Findochus, who defeats him in Isla—attempting to escape in a boat, is drowned, i. 194

Donald, lord of the Isles takes forcible possession of the earldom of Ross, ii. 78. reduces Moray and Aberdeen, *ib.* is opposed by the earl of Mar—a bloody but indecisive battle at Harlaw, 69. ravages the north, 160. is pardoned, 162. proclaims himself king of the isles, 185. shipwrecked and goes deranged, 186

Donald, Balloch, cousin to Alexander, lord of the Isles, lands in Lochaber—surprises and defeats earls of Caithness and Mar—wastes the country, and retires to the *Æbudæ*, ii. 93. flees to Ireland, 94. is demanded by the king—his head sent to him, 95

Donatars, excessive powers of, v. 101

Douglas, origin of the name of, i. 260, note

Douglas, sir Archibald, surprises Ed. Baliol and defeats his army, ii. 9. chosen regent, 12. slain at Halidon Hill, 14

Douglas, Archibald, earl of, incensed at Rober III. for betrothing his son to a daughter of earl of March—offers his own—which is accepted, ii. 67. his death, 68

Douglas, Archibald, earl of, overruns Northumberland—is defeated at Homeldon and made prisoner, ii. 70. joins

Percy against king Henry—is wounded and taken prisoner—kindly treated by the king—released on paying a large ransom, 73. burns Penrith, 79. (duke of Touraine) killed at Vernueil in France, 83

Douglas, James, earl of, retaliates on the earl of Northumberland for the ravages committed on his estates, ii. 47. invades Cumberland and lays it waste, 48. wastes Northumberland, 54. threatens Newcastle, *ib.* unhorses Percy in single combat—carries off his spear, *ib.* returning to Scotland with his spoil—is attacked by Percy at Otterburn, 55. slain, 56. the English defeated and Percy made prisoner, 57. buried at Melrose, 60

Douglas, James, earl of, resolves to avenge the murder of his brother, ii. 154. proclaims the king a truce breaker and burns Stirling, 155. declared a rebel, 156. takes the field against the king, 159. deserted by his confederates—flees to England, 160. invades Annandale—defeated and escapes, *ib.* invades and lays waste different districts, 161-2. his advice to the king respecting his design to put a number of the nobles to death, 217. retires from court, 218

Douglas, William, earl of, enters England—takes Penrith, ii. 43. takes Lochmahen castle, 45. restores all Teviotdale to Scotland, 46. dies of a fever, *ib.*

Douglas, William, earl of, his extravagance and foolish conduct, ii. 123. assumes the prerogative of royalty—confirmed duke of Touraine, *ib.* his exorbitant power excites the suspicion of parliament, 130. decoyed by the chancellor (Livingstone) to Edinburgh—murdered in the castle, 132

Douglas, William, earl of, his unbounded ambition and excesses, ii. 132—146. visits Rome, 147. tried in absence—and sums levied on his estates, 148. returns home and appointed lieutenant in Scotland, 149. goes to England and confers with the king—is in consequence deprived of his office, 150. his renewed atrocities, 151-2. invited by the king to Stirling, 153. put to death by him, 154

Douglas, Archibald, cousin to Morton, implicated in the murder of Darnly—flees to England, iii. 42. he returns—is tried—acquitted—and sent ambassador to England, 105

Douglas, Gavin, bishop of Dunkeld tampered with by Henry VIII. to procure him possession of the king's per-



son, ii. 271, note. endeavours to reconcile Beaton and Angus, 278. summoned to appear before the Pope, 280. dies of the plague at London on his journey to Rome, *ib.*

Douglas, James, joins Bruce, i. 417. surprises and takes Roxburgh castle, 420. defeats the party going to relieve Stirling castle, 425. overcomes the English at three different places on the borders, 430. surprises the English camp, 442. entrusted with management of public affairs, 444. requested by king Robert to carry his heart to Jerusalem, 445. sets out, *ib.* joins the Spaniards against the Saracens, 446. is slain, *ib.*

Douglas, Rev. Robert, his sermon at coronation of Charles II. iv. 421. and at the restoration, 475

Douglas, William, of Liddisdale, frees Teviotdale of the English, ii. 25. Cupar surrenders to him, 26. takes Edinburgh castle by stratagem, *ib.* starves A. Ramsay to death, 29. is pardoned and receives the command of Roxburgh and Teviotdale, 30. a prisoner in England, 33. his shameful treaty with the English, *ib.* note. returns to Scotland—killed by William Douglas, son of Archibald, while hunting in Ettrick forest, *ib.*

Douglas, William, son to Archibald, kills Douglas of Liddisdale, ii. 33. drives out the English and recovers Douglas and a great part of Teviotdale, 34

Douglas, William, son of Archibald Douglas of Galloway, makes a successful invasion of Ireland and Man, ii. 51. goes to Prussia to join in the holy war—is murdered at Dantzick, 63

Douglas cause, history of vi. 628. decided, 633. rejoicings in consequence, *ib.*

D'Ozell arrives with the queen dowager, Mary of Guise, ii. 382. advises her to levy a property tax, 387. and to build a fort at Eyemouth, 391. commands in the army against the congregation, 410

Dropping cave at Slains, i. 33. and note

Druidical priesthood, same as the religious worship of Britons and Gauls, i. 94, and note

Drumclog, affair of, v. 87.

Drummond, lord John, as commander in chief of the French, declares war against the house of Hanover, vi. 490, arrives at Perth, *ib.* retreats from the Spey, 523.

Drummond (William of Hawthornden,) his address to Charles on his visit to Scotland, iii. 396, note

Drury, (sir William) obtains possession of Hume castle, ii. 585. mediates between the queen and her opponents, 616. the castle of Edinburgh surrenders to him, iii. 6. refuses to deliver up the prisoners of rank to the regent, *ib.* forced to do so by orders from Elizabeth—retires to Berwick—resigns his commission in disgust, *ib.*

Dumblane, bishop of, sent to the French court to excuse Mary's marriage with Bothwell—his instructions, ii. 507-13. his reception, 523

Dumfries burnt by the English, ii. 79, 141. unsuccessful attempt upon by the Pretender, vi. 221

Dunavertie, massacre of the garrison of, iv. 297

Dunbar burnt by the English, ii. 141. battle of, iv. 398-400.

Dunbar castle gallantly defended by the wife of earl of March, ii. 24. relieved by Alexander Ramsay—the siege raised, *ib.* delivered to Edward II. 212. retaken by the Scots, 215

Dunbar (Geo.) earl of March, burns Roxburgh, and puts all the young men to the sword, ii. 40. betrothes his daughter to David, son of Robert III. and pays part of the dowry, ii. 67. incensed at his marriage with Mary, daughter of earl of Douglas, demands back the dowry, which is refused, *ib.* sets out for England, *ib.* confederates with Percy and invades Scotland, 68. declared traitor—enters Lothian—defeats Douglas at Homeldon and takes him prisoner, 70. is reconciled to the governor—returns home, 77

Dunbar, Patrick, subdues a band of robbers that infested the Lothians—is created earl of March, i. 338 and note

Dunbar, sir Geo. Hume, earl of, his intrigues successful in gaining the nobles to the king's cause, iii. 306. appointed commissioner to the general assembly, 330. declares he had the king's orders to abolish presbytery, 332. A. Melville's prophetic wish respecting him—dies at London, 334

Dunbarton castle, project for taking it, ii. 593. description of, 594. surprised and taken, 598. surrenders to the covenanters, iii. 497

Duncan I, succeeds his grandfather, Malcolm II. i. 326. his mild and amiable manners, *ib.* quells a violent insurrection in Lochaber, 328. Sueno, king of Norway lands in Fife—a battle takes place near Culross—Scots retreat to Perth, which is besieged by Sueno—Duncan proposes a surrender—sends poisoned provisions to the enemy, who,

partaking of them, are attacked while under its effects, and the king and a few followers escape with difficulty, 330. another body landing at Kinghorn, defeated by Bancho, and driven to their ships, *ib.* murdered by Macbeth, 332

Duncan II. called to the throne, i. 348. murdered by Donald VII. *ib.*

Dundas of Arniston, his violent conduct on receiving the medal of the pretender, *vi.* 113

Dundee, Visc. empowered by James II. to call a parliament at Stirling, *v.* 302. parliament charges him to lay down his arms, 305. escapes to the north, 317. pursued by Gen. Mackay, 319. attacks Perth—invests Ruthven castle, 320. outmanœuvred by Mackay, 321. receives reinforcements from Ireland, 353. defeats Mackay at Killikranke—killed in the action, 354-7

Dundee, magistrates refuse to celebrate the birth-day of Geo. I.—they celebrate the restoration next day, *vi.* 188

Dunfermline, earl of deserts the ministers, and joins the king's party, *iii.* 307

Dunfermline, declaration, *iv.* 393-6

Dunglas, powder magazine blown up, *iii.* 559

Dunipace, its situation, *i.* 23

Dunkeld, a corruption of Caledonia, the ancient name of the town, *i.* 30.  
Duncalden, 93

Dunstaffnage, castle of, seat of the ancient Scottish kings, *i.* 34, and note

Duplin, battle of, *ii.* 7, and note.

Durham, battle of, *ii.* 32

Durie, John, receives earl Morton's confession, *iii.* 45. blames Lennox and Arran as the author of all the calamities of the church and state, 58. ordered by the king to remove from the town, *ib.* protests against this order at the cross, and leaves the city, *ib.* summoned before the council, and ordered to confine himself to Montrose, 76. agrees to obey the acts passed for acknowledging the bishops, 84

## E

Edgehill, battle of, *iv.* 97

Edinburgh purchases the superiority of Leith, *iv.* 476

Edmonston of Dunraith, his evidence against Cunningham of Drumwhassel, and Douglas of Mains, *iii.* 88. killed by Johnston of Westraw, *ib.*

Edward I. king of England, appointed to decide between Baliol and Bruce's claim to the crown, *i.* 392, see note. stirs up eight more competitors, 393, and note.

his duplicity in tampering with Baliol and Bruce, 395. decides in favour of Baliol, *ib.* who does homage to him for the crown, 396. demands assistance from him as his vassal, *ib.* which is refused by the Scottish nobles, 397. Baliol transmits his revocation of his vassalage, *ib.* sends a fleet to Berwick, which is attacked by the Scots, and partly destroyed, *ib.* offers Bruce the kingdom, 398. takes Berwick, *ib.* and note. Dunbar, 399. Edinburgh and Stirling castles, *ib.* receives surrender of Baliol and his crown, *ib.* sends him to England, and imprisons him, 400. releases him and sends him to France, *ib.* appoints earl of Surry, regent of Scotland, and Cressingham, lord chief justice, *ib.* sends an army to crush Wallace, *ib.* defeated at Stirling, 403. encounters Wallace at Stanmore, but declines battle, 404. defeats the Scots at Falkirk, 406. wastes the country as far as Perth, 407. concludes a truce, *ib.* his governors expelled, *ib.* his army defeated in three battles at Roelin, 408-9, and note. sends another army, and reduces the whole country, 410. abrogates the ancient laws, destroys and carries off the public records, and the coronation chair, 411. appoints earl of Pembroke, regent, *ib.* arraigns Bruce for high treason, who escapes, *ib.* puts Wallace to death, 414. dies 418

Edward II, king of England, invades Scotland, *i.* 418. his army defeated at Inverury, 419. at Bannockburn, 425-6. escapes to Berwick, 427. invades Scotland and advances to Edinburgh, 434. retreats for want of provisions, *ib.* burns Dryburgh and Melrose abbeys, *ib.* pursued by Bruce, defeated, and all his equipages, treasures and warlike stores taken, *ib.* his cruel murder, 436.

Edward III. opposes the Scots, who had invaded England, *i.* 438. his camp surprised, 442. makes peace, 443. procures a monk to poison Randolph, *ii.* 2. receives E. Baliol, who swears fealty to him, 10. declares war against the Scots, 11. besieges Berwick, *ib.* its obstinate defence, 12. engages to surrender if not relieved on a certain day, *ib.* the Scots appearing, he summonses the town, *ib.* which Seton refusing to give up, he executes his sons before the walls, 13. withdraws to Hallidon Hill, 14. defeats the Scots with great slaughter, *ib.* Berwick surrenders to him, *ib.* penetrates with his army to Glasgow, 16. returns to England carrying Baliol with him, 18. invades Scotland by sea and land, 20. besieges Perth, which surrenders, 21.

he makes a truce, 29. reduces Lothian, 34. advances to Berwick, repairs the damage done by the Scots, and proceeds to Roxburgh, where Baliol surrenders the kingdom to him, 35. and note. invades Lothian, lays waste the country and returns to England, 36. releases David II. 36. and note. his death, 42.

Edward VI, sends a force to the Forth to demand queen Mary promised to him in marriage, ii. 364. defeats the Scots, ib. fortifies Inchkeith and Inchcolm—takes Fast-castle and Hume—establishes garrisons at Lauder and Roxburgh, and retires, 369. fortifies Haddington, 371. defeated in several descents in Fife, 373-4. raises the siege of Haddington, 375. which they burn and retire, 377. his death, 348

Eikon Basiliké, published on the death of Charles I.—its impression on the public—a forgery, iv. 348

Eldest sons of Scottish Peers, question as their eligibility to sit in the house of commons, vi. 78. decided against them, 80

Elizabeth, queen of England, assists the lords of the congregation, ii. 424. sends ambassadors to Scotland to treat with the French, 430. refuses to declare Mary heir to the crown of England, 447. her conduct on the marriage of Mary with Darnly, 470. recommends to her moderation towards her subjects, 479. requests Moray to delay calling a parliament, 538. requires him to send commissioners to inform her of his proceedings, 540. a conference between her commissioners and Moray at York, 543. Moray arrives in London—produces vouchers of Mary's guilt, 546. her indecision, ib. is provoked by the contents of some intercepted letters of Mary, 553. her attention to the safety of Moray on his return to Scotland, ib. her propositions to the Scottish parliament in favour of queen Mary, 562. receives the resolutions of the Scottish parliament—discovers the conspiracy of Norfolk, and confines him to the Tower, 566. deliberates about sending Mary to the regent, ib. sends Randolph to attend the Scottish Parliament when choosing a regent in the room of Moray, 575. sends an army to Berwick, 582. dismisses the Ambassadors sent to her by the queen's party, 584. her forces waste Scotland in various directions, ib. recommends E. of Lennox as regent, 589. renews the truce between the kingdoms, 592. Morton and others sent ambassadors to her, ib. her answer to their re-

presentation, 610. protracts the troubles in Scotland in hopes the king will be delivered to her, 618. instructs sir R. Bowers to accuse Lennox, iii. 39. concurs in the plan for restoring the exiled lords, and overthrowing Arran, 91. conspiracies real or pretended, serve as a pretext for her more severe and cruel treatment of Mary, 110, 111. details of the conspiracies of Throckmorton, 110. Crichton. 111. Parry, 112. Savage, 115. Ballard, ib. Babington, ib. appoints commissioners to try Mary, 120. refuses the intercession of France, and of James, 132-133. signs her death warrant, 137. her conduct on receiving the intelligence of her execution, 143. her ambassador not received by James, 145-6. on the expectation of the Spanish invasion, courts the alliance of James, 158. discovers the plot of the popish lords in Scotland against the two kingdoms, 169. intercepts their correspondence—writes James desiring him to take strong measures with them, ib. sends an embassy to James requesting him to bring the popish lords to punishment—intercedes for Bothwell, 192-3. sends Zouche to James to urge the punishment of the popish lords—writes to James to dissuade him from rigorous measures against his best subjects, 233. her anguish on account of Essex's death; 272. declares James her successor, ib. her death, ib. character, ib.

England, division of, i. 20

English, at the instigation of the Picts invade Scotland, i. 276. defeated, ib. renew the invasion and subdue the country south of the Forth, ib. which is ceded to them, 277

English excisemen introduced into Scotland, vi. 19

English liturgy, attempt to introduce it in the Scottish episcopal worship, vi. 110

Entails first introduced into Scotland, v. 208—proposals for amending the laws respecting, vi. 634

Enterkin, rescue of a minister and five other prisoners at, v. 174

Equivalent, amount of, for compensating Scotland for the union, v. 668. its arrival occasions great discontent, vi. 20

Erskine, John, lord, appointed to superintend the education of queen Mary, ii. 334. appointed governor of Edinburgh castle, 385. receives the queen regent into the castle, 426. earldom of Mar restored to him, 452. See MAR

Erskine, John, lord, obliges the queen's party to flee from Glasgow, ii. 589. drives them out of Stirling, 621

Erskine lord, comes forward and signs the covenant in presence of the general assembly, iii. 485

Erskine, Ebenezer, censured for his synodical sermon at Perth, vi. 378. appeals to general assembly, ib. who order him to be rebuked at the bar, 380. his protest against this sentence, 381. suspended, 382. continues his ministry, 383. excluded the church, ib. protest of him and his adherents, ib. the associate presbytery constituted, 385. they are restored to their charges by order of the assembly, 389. they refuse the favour, 390 finally deposed, 409

Erskine, John, of Dun, defeats the English at Montrose, ii. 374. sent to France to complete the marriage of Mary to the Dauphin, 393. deputed to treat with the papist bishops, 400. desired by the queen-regent to send home the multitude of the reformers collected at Stirling, 403. chosen by the reformers to treat with the queen-regent, 406. his death—character, iii. 186

Essex, earl of, urges James to defend his right to the throne of England by arms, iii. 266. is apprehended and executed, 267

Evenus III. procures a law for the king to enjoy the first night of his nobles' brides; chiefs the same with their vassals; and wives of the peasants common to their superiors, i. 173

## F

Fairfax, lord, ordered to join the Scots, iv. 142. commands right of the centre in battle of Marston Moor, 147. appointed governor of York, 150. refuses the application of the Scots in favour of the king, 354. refuses to command the army sent against Scotland, 386

Falkirk, battle of, i. 406. vi. 495-7.

Fast Castle taken from the English, ii. 78

Fenelon, M. de la Motte, arrives as ambassador from France, iii. 66. the dissatisfaction of the clergy at his mission—his treatment by the king—the clergy appoint a fast on the day he was to be entertained by the magistrates of Edinburgh, 67 and note.

Fergus chosen king by the Scots, i. 156. the kingdom confirmed to him and his posterity, 158. drowned near Carrick-fergus, ib.

Fergus II. recalled from Scandinavia and made king, i. 213. overturns the wall of Severus, 212 and note; slain in battle with the Romans, 218

Fergus III. i. 259. poisoned by his wife, ib. she confesses the murder, and stabs herself in the midst of the council, ib.

Fiery Cross, explanation of that symbol used to gather together the adherents of the highland chiefs, iv. 157

Fife, earl of. See ROBERT III.

Finnanus enacts a law prohibiting the king from undertaking any affair of importance without the sanction of the public council, i. 166

Fire, dreadful one at Edinburgh in 1700, v. 501

Flavannan, or Sanctuary Islands, fatness and curious property of sheep of, i. 52 and note

Fletcher, Andrew, of Saltoun, opposes the bill of succession, v. 125. his patriotic conduct, 418. his speeches on the proposed union, 554, 555

Flodden-Field, battle of, ii. 256 and note

Forbes, Duncan, of Culloden, (lord advocate) heroic conduct of his wife, vi. 240. incarcerates the magistrates of Glasgow in the jail of Edinburgh, 314. assists in disarming the rebels, 317.—(lord president) his plan for maintaining peace in the highlands rejected, 413. his remonstrance against sending the highland regiment to Flanders, 423. the consequences, 428. his early intelligence of the young pretender's motions disregarded, 447. sets out for the highlands, 448. his exertions to raise forces there, 489. his advice for checking the rebels' operations in the north disregarded, 507. retires to the Isle of Skye, 512. recommends humanity towards the vanquished rebels, 546. attempts to lessen him with government, 571. obtains an important decision against the exercise of military power, 574. his death, 589. character, ib.

Forbes, John, moderator of the general assembly, iii. 297. sent to Blackness castle, 298. tried at Linlithgow, 300. banished to France, 305.

Fordun, the historian, some account of, i. 214, note

Foreman, Andrew, bishop of Moray, sent to demand the jewels of queen Margaret from Henry VIII. ii. 243. instigates James IV. to declare war against England, 249. made archbishop of St Andrews by the pope, 263

Forster, —, appointed general of the rebel forces in north of England, vi. 225. joins lord Kenmure at Rothbury, 226. marches to Preston, 245. his neglect in leaving the access to it unpro-

tected, 247. surrenders, 251. committed to Newgate, 253. escapes to France, 274

France, first treaty made with, i. 261

Francis II. husband to queen Mary, dies, ii. 435

Fraser, Simon, commits a rape on lady Lovat, v. 536. flees to France—returns—his intrigues with both parties, ib. returns to Paris—committed to the Bastile, 537. escapes, vi. 182. See LOVAT.

Frendraught and Rothmay. quarrel between, iii. 389. dreadful consequences of, 390

## G

Gallo, the Roman legate, interdicts Scotland, i. 374. his extortions, 375. complaints against him to the pope, who fines him in all the money he had received, ib.

Galloway, effects of the introduction of the grazing system in, vi. 305

Gardiner, colonel, retreats before the rebels, vii. 451. his advice rejected by sir J. Cope, 467. falls in the battle of Prestonpans, 471

Gaugers first known in Scotland, vi. 19

Gauls, colonies of, planted in Britain, i. 82

Geddes, Janet, interrupts the reading of the liturgy in St. Giles' church, iii. 419

George I. called to the throne, vi. 167. proclaimed at Edinburgh, 168. tumult at his proclamation in Glasgow, 171. the impolicy of his first proceedings, ib. earl of Mar's letter to him, 173. violent proceedings against the principal nobles, &c. of Scotland, 175. takes the oath to protect the church of Scotland, 176. crowned, ib. his answer to deputation from the church of Scotland, 178. calls a parliament, 180. dictates as to the choice of members, 181. his letter to the general assembly, ib. their answer, 185. their proceedings levelled against dissenting presbyterians as well as papists and episcopal intruders, ib. their declaration to support the king against the pretender, 186. apprised of the intended rebellion, 189. his communication to parliament, ib. they offer a reward for the pretender, dead or alive, and pass an act for encouraging loyalty in Scotland, ib. (See REBELLION 1715.) trial of the principal leaders, &c. 270-5. bill for septennial parliaments passed, 279. his letter to general assembly, 280. schisms in the church, 281. invasion from Sweden prevented by his bold measures, 283. act of indemnity—bill

for disposal of the sequestrated estates, 286. Spaniards land in Ross-shire, 289. joined by some rebels, ib. attacked by the royal troops—disperse, 290. the Spaniards surrender, ib. Spain, Sweden, and Russia acknowledge him as king, 296. South Sea scheme, ib. his desire to relieve presbyterians from the sacramental test frustrated, 301. grants L.1000, annually, for instruction to the highlanders, 322. affairs of the church, 332-8. sets out for Hanover, 338. his death, 339. character, 340

George II. succeeds to the throne, vi. 341. subscribes the oath for the security of the church of Scotland, ib. proclaimed, ib. state of the country, 342. address of the commission of the general assembly, 345. his coronation, 347. scheme for improving the herring fishery abortive, 348. and for the advance of civilization in the highlands, 349. proceedings of the pretender, 350. proceedings of parliament, (1728), 362. of the general assembly, 363. of parliament, (1729), 364. goes to Germany, ib. peace concluded with France and Spain, 369. debates in parliament upon a standing army, 370. and on excluding pensioners from parliament, 371. state of trade, 385. protest against the election of the peers, 392. bill against patronage lost, 393. acts against witchcraft repealed, ib. Porteous riot, 396. proceedings in parliament respecting it, 402. church affairs, 406. association formed at Edinburgh in favour of the pretender, 414. defection in the revenue of Scotland, 422. apprised of the pretender's intended invasion, 430. preparations for defence, 432. war with France—*broad-bottomed* ministry, 437. the whole disposable force sent to the Netherlands, 438. the pretender arrives in Scotland, 446. state of the country, ib. (See REBELLION 1715.) proceedings of general assembly—address on the victory at Culloden 543. ministers refuse to become informers respecting the disaffected, 545. proceedings against the rebels, 561. clemency of the government, 569. state of parties and of the country, 575. parliament assure him of their support, in re-establishing the public security and tranquillity, 576. acts passed in consequence, 581. effects of the disarming in the highlands, 582. important alterations in the criminal jurisdiction of Scotland, ib. act of grace, 586. act respecting episcopacy in Scotland, 592-4. L.10,000 granted by parliament to Glasgow, 593. improved state of Scotland, 600. affairs of the church, 601.



war with France, 617. incapacity of the administration, 618. efficiency of Pitt's administration, 620. Thurot's expedition, 622. bill for a militia in Scotland lost, 623. his death, 624. character, *ib.*

George III. proclaimed at Edinburgh, *vi.* 626. Pitt's administration dissolved, 627. earl of Bute minister, *ib.* American war, 628. loyalty of the Scots, 636. mutiny of the Seaforth regiment, 637. another serious mutiny, *ib.* bill for relief of Roman catholics in Canada, 638. proceedings of general assembly in consequence, 639. popular feeling on the occasion, 640. riots at Edinburgh, *ib.* at Glasgow, 641. peace with America, 645. bill for restoring the forfeited estates, 646

Germans arrive at the *Æbudæ*, *i.* 154. form alliance with the Scots, 156. disagree and go to war, *ib.* join the Britons against the Scots, *ib.*

Gibbites, their principles and conduct, *v.* 118

Gibson, James, minister of Pencailand, imprisoned for indecorous expressions in the pulpit, *iii.* 102

Gildas, the prophecies ascribed to him ridiculous, *i.* 234

Gillespie, an inhabitant of Ross, wastes the neighbouring countries—taken, and, with his two sons, beheaded, *i.* 376

Glammas, lord, affray between him and earl of Crawford, *iii.* 28

Glammas, lady, accused of attempting to poison the king—condemned, and burnt to death, *ii.* 317

Glass, John, founder of the independent system, *ii.* 410

Glencairn, Alex. earl of, sent by the reformers to the queen regent—his spirited conduct, *ii.* 402

Glencairn, earl of, takes up arms in favour of the king, *iv.* 448. his proclamation, &c. *ib.* and note. appointed captain-general—deserted by Balcarras and Lorn, 450. resigns his command to Middleton—his affray with sir George Munroe, 452. retires from the main army, 453. proceeds to the west—disperses a party of English at Dunbarton—makes a treaty with Monk, 454. appointed chancellor, 471. his death, 516

Glenco, massacre of, *v.* 407. proceedings in the Scottish parliament respecting it, 435

Glenlivet, battle of, *iii.* 209

Gloucester, duke of, besieges Edinburgh castle, *ii.* 209. his demands of the king proclaimed at the cross, 210, the answer of the public, *ib.* his reply—demands the surrender of Berwick, *ib.*

which is granted, 211. returns home in triumph, *ib.*

Gordon, duke of, made captain of Edinburgh castle, *v.* 238. retains it for James VII. 295. he surrenders it to the parliament, 329

Gordon of Buckie, his remorse at being engaged in the murder of earl of Moray, *iii.* 409

Gordon, general, left commander in chief by prince Charles, *vi.* 265. consequences of this, 266

Gordon, John his lands wasted by the English—he retaliates, attacked by Lilburn—defeats him and takes him prisoner, *ii.* 40. surprises the governor of Berwick, and takes him prisoner, with the whole of his men, 41

Gordons quarrel with the Forbesses, *ii.* 623. defeat them, and commit the greatest cruelties, 624-5

Gowrie, earl of, his concern in the raid of Ruthven, *iii.* 59. granted a full pardon, 70-1. forced by Arran's insolence to retire from court, 73. requests leave to exile himself to France, 74. delaying his departure, is surprised at Dundee, 80. brought to Stirling, tried, condemned, and executed, 81

Gowrie, earl of, son of the above, conspires against the king, *iii.* 257. decoys him to his house, 258. is killed, 259. rage of the people at his death, 260. doubts with respect to the conspiracy, 261. tried—his body produced in court, 265. the sentence against him, 266

Græme, a Briton, principal leader in overturning the wall of Severus, *i.* 215, and note. appointed viceroy, 218. recalls the monks and teachers of christianity, and appoints them stipends, 222. his death, 223

Graham, of Fintry, engaged in the popish plots—tried, condemned, and executed, *iii.* 190-1

Graham, Patrick, archbishop of St. Andrews, publishes the pope's bull appointing him legate, *ii.* 197. prohibited from exercising his office, *ib.* cruel proceedings against him, 198. ejected from his see, and imprisoned, 200. his death and character, *ib.*

Gray, Master of, gains the favour of the king, *iii.* 90. is impatient of the influence of Arran, *ib.* sent ambassador to England—his successful negotiations increase the king's regard, 91. sent to Elizabeth to intercede for Mary's life—his perfidious conduct, 133-4. his conspiracy against Thirlstane, 148. accused of this, and his conduct in the business of Mary, 149. banished, *ib.*

Graystock, governor of Roxburgh castle, surprised, and all his provisions and household stuff taken, ii. 45.

Green, captain Thomas, convicted of piracy, hanged by mob, at Leith, v. 550

Gregory, the great, king, i. 281. drives the remains of the Picts from Fife, Lothian, and March, ib. takes Berwick and Northumberland from the Danes, ib. expels the Britons from Scotland, 282. invades Ireland, and conquers it, 283-4. his death, 284 and note.

Gudeman's Crofte, or setting apart a portion of each farm to the devil, act against, iii. 206, note.

Guthrie, Henry, his violent proceedings against those who held private religious meetings, iii. 546. brings it before the assembly—gets an act passed against them, 547

Guthrie, James, brought to trial—the charges against him—his defence, iv. 488. the tempting offers made to him—his address to the chancellor, 489. his execution, 490 and note.

## H

Hackston of Rathillet concerned in the murder of archbishop Sharpe, v. 78-9. taken at Aird's Moss, 108. executed at Edinburgh, 109

Haco, king of Norway, invades Scotland—defeated at Larga, i. 380. reaches Orkney, where he dies of grief, 381

Haddington fortified by the English, ii. 371. is besieged by the Scots and French, 372. burnt by the English who retire, 377

Haddow, laird of, assists in carrying off the magistrates of Aberdeen, iv. 152. besieged in house of Kellie—surrenders to Argyle—is carried to Edinburgh, and executed, 154

Hadrian's Wall made the boundary between the Scots and Picts and Britons, i. 221

Hale's, sir Matthew, defence of duke of Hamilton, iv. 356

Halidon Hill, battle of, ii. 14

Hamilton, origin of the family of, i. 435 and note. See ARRAN, &c.

Hamilton, marquis of, commissioner to parliament, iii. 368. obtains the passing of the articles of Perth, 370-1. his death, 382

Hamilton, marquis of, concludes a treaty for furnishing troops to Gustavus, king of Sweden, iii. 392. accused of raising the troops to usurp the crown—

cleared of the imputation—arrives on the banks of the Oder, 393. recalled, 394. appointed high commissioner, 452. arrives at Dalkeith—his report to the king, 455. his public entry into Edinburgh, 456. requires the surrender of the covenant—which is refused, 457. proceedings thereupon, (see COVENANTERS) ib. advises the king to suspend his military preparations—requests power to bring back the courts of law to Edinburgh—which refuse to pronounce the covenant treasonable, 462. proposes to renew the covenant signed by James VI.—the council agree to it, with explanations, 469. the tables remonstrate—he proclaims it, and calls an assembly at Glasgow, 470. opening of the assembly, 477 and note. his disputes with it—they refuse the declinature of the bishops, 478. the king's concessions read, 480. the moderator's reply, 481. protests against the assembly as illegally constituted—resolves to leave the assembly—requested to remain—desires the moderator to close the meeting—he refuses, ib. protests against their proceedings—dissolves the assembly, 482. discharges it by proclamation—the assembly protest, and resolve to sit until all matters were settled, ib. their future proceedings, 486. he goes to London to exculpate himself, 491. receives the command of the fleet, 501. arrives in the Forth—sends a summons to the magistrates of Edinburgh to deliver the castle and the port, 502. orders the town-council to publish a proclamation from the king—they refuse—advises the king to treat with the covenanters, ib. refuses to be commissioner, 518. overruled in his pacific advice to the king, 529. stops the execution of Loudon, 534. advises the king to mild measures, 564. suspected by the king, iv. 33. accused by the royalists—exculpated by parliament, 34. plot against him and Argyle—an inquiry into his conduct—the plot proved, ib. his fruitless attempt to reconcile the king and parliament, 79. advises to recall the queen from Holland, ib. at the head of the trimmers, 92. objects to Warriston going as a commissioner to mediate between the king and parliament, 95

Hamilton, — duke of, leaves the parliament, iv. 109. refuses to take the covenant—his estates sequestered—joins the king at Oxford, 128. is arrested and imprisoned in Cornwall, 128. his urgent arguments with the king to comply with the covenant, 262-3. gives his negative to the delivering up of

the king, 272. enters into secret negotiations with him, 285. his endeavours to prepossess the people in his favour, 299. heads the political presbyterian party, 303. acquires the ascendancy in parliament, 304. appointed commander-in-chief of the army against England, 313. enters England by the west border, 316 and 317. note; defeated—retires to Utoxeter, *ib.* besieged there, 319. taken, 320. confined at Windsor,—escapes, 355. taken in Southwark—tried as an English peer—his defence by Hale, *ib.* his sentence remitted to the commons, and confirmed—his execution—character, 357

Hamilton, duke of, arrives with the king in Scotland, *iv.* 382. desired by the estates to be removed from his person, 383. appointed lieutenant-general to Charles II. 429. dies of his wounds received at battle of Worcester, 435

Hamilton, duke of, disgusted by Hatton, *v.* 11. presents a list of grievances to the king, 24. removed from the council, 46. lays before the king the distracted state of the country, 67. chosen president of the nobles, &c. called by the prince of Orange, 293. president of parliament, 299. commissioner, 332. superseded, 378. again appointed commissioner, 419. his communications with Hooke, *vi.* 39–55. withdraws to England on the pretender's expedition, 69. apprehended, but procures his liberation, 71. created duke of BRANDON—his claim as a British peer to sit in parliament refused, 124. appointed ambassador extraordinary to the French court, 142. killed in a duel with lord Mohun, 144. his character, *ib.*

Hamilton, duke of, one of the committees for the affairs of the pretender, *vi.* 295. withdraws from it, 326

Hamilton, lords John and Claude, their estates confiscated—escape to France, *iii.* 35. John made governor of Dunbarton, 99

Hamilton, David, of Preston, his remonstrance to the regent in favour of George Wishart, *ii.* 353

Hamilton, James, (the bastard,) procures the murder of the earl of Cassilis, *ii.* 295. condemned and executed for an attempt on the king's life, 320

Hamilton, James, of Bothwellhaugh, murders the earl of Moray, regent, *ii.* 571

Hamilton, John, archbishop of St. Andrews, taken in Dunbarton castle. *ii.* 598. executed at Stirling, 599. proofs of his guilt in the murders of Darnly and Moray, *ib.*

Hamilton, Patrick, nephew of duke of

Albany, burnt at St. Andrews for heresy, *ii.* 297

Hamilton, Robert, burns the acts recissory, &c. at Rutherglen, *v.* 86

Hanover, succession to the crown settled on the house of, *v.* 503

Harlaw, battle of, *ii.* 78

Harold, earl of Caithness, deprives the bishop of his eyes and tongue—is taken, his eyes put out, and is hanged, *i.* 370

Harvey, Marion, her execution, *v.* 116

Hatton, lord, brother to Lauderdale, appointed one of the council, *iv.* 509. treasurer-depute, &c. *v.* 3. accused of debasing the coin, 16 and note. earl of LAUDERDALE, 149. turned out of all his offices, *ib.*

Hawley, general, appointed to command the king's army, *vi.* 493. marches from Edinburgh, *ib.* encamps near Falkirk, *ib.* loiters at Callendar house, *ib.* defeated on Falkirk muir, 496–7. arrives at Edinburgh, 501. resigns the command to the duke of Cumberland, *ib.* erects a permanent gallows in the Grassmarket, 675

Hay, stops the fugitives of the Scots army, who rally, and obtain a complete victory over the Danes at Luncarty, *i.* 303. is created a noble, 304 and note

Hebrides, a corruption of *Æbudæ*, the ancient name of Western Islands, *i.* 38 and note; general description of the islands, 41–55

Henderson, Alexander, charged for not using the liturgy, *iii.* 421. his supplication to the privy council, *ib.* his "Considerations" on its intrusion, 426. moderator of general assembly at Glasgow, 478. his reply to Hamilton's address—endeavours to prevail on him not to leave it—refuses to close the assembly, 481. urges his departure as a reason for it continuing to sit, 485. his remarkable expression on the rising up of the assembly, 490. his conference with the king respecting episcopacy, *iv.* 248. his death, 250

Henry and Mary, proclaimed king and queen, *ii.* 471. summon the absent nobles to appear, who, not obeying, are banished, 472. their proceedings against them, 473

Henry, son to James VI. his baptism, *iii.* 206 and note; his excellent character, 338, reprobates the influence of Somerset (Ker of Fernihurst) with his father, 339. his death, *ib.*

Henry IV. invades Scotland—lays siege to Edinburgh castle—retires, *ii.* 63. detains prince James son to Robert III. prisoner, 75. dies, 79

Henry V. carries king James with him



to France, ñ. 83. takes Meaux and hangs 20 Scots he found there, *ib.*

Henry VI. his deceit upon James II. ii. 164 finds an asylum in Scotland, 169. enters England—is defeated at Hexham—flees to Berwick, 171. enters England secretly—taken and committed to the tower, 172

Henry VIII. offers his daughter Mary to James V., ii. 284. sends ambassadors concerning the reformation, 312. his renewed offers of alliance, *ib.* is displeased at James not meeting him at York, 314. war takes place, 321. defeats the Scots at Solway, 323. proposes a marriage between Mary, the infant queen, and his son prince Edward, 328. declares war, and seizes the Scots vessels in his harbours, *ib.* sends a large force, which lands at Leith, 338. it spoils and burns Edinburgh and Leith, 339. burns Jedburgh and Kelso. fortifies Coldingham, 343. his army under Ivers (Ewers) and Latton, defeated at Ancrum, with great loss, 348

Hepburn, John, receives the bishopric of Moray from Foreman, ii. 267. his influence with the regent (Albany), 268. his hatred of the Humes, 269. whose ruin he procures, 270-4

Hereditary succession to the crown first introduced by Kenneth, III. i. 309

Herries, lord, induces Chattellerauld to proceed to Dumfries, ii. 473. makes his peace with the king and queen—deceives the rebels—and exacts money from Moray, 474

High treason, laws respecting, in both kingdoms, assimilated, vi. 83-6. important alteration in, 581. trials in Scotland under this act, 597

Highland clans, view of the manners, customs, and power of, vi. 27. their attachment to the Stuarts, 35. the force they could raise, 36. their address to George I. 175

Highland garb prohibited, vi. 581

Highland Host, v. 54. marched to the west, 62. their conduct there, 63. marched back to the Highlands, 65.

Highlands, memorial on the state of, after 1746, vi. *App.* 18

Home, sir Alexander, sent ambassador to England, iii. 39. refused admittance to the queen, 40. his conferences with Lord Burleigh, returns home, *ib.* the failure of his mission attributed to the intrigues of Morton, *ib.*

Home, of Polwart, (sir Henry), committed prisoner to Stirling castle, v. 33

Home, John, author of Douglas, resigns his charge, vi. 621

Homeldon, battle of, ii. 70

Hooke, colonel, sent to Scotland by the pretender, v. 569. his haughty conduct offends the cavaliers, *ib.* is sent again by the French court, vi. 25. brings a declaration of war from the pretender, 38. lands at Slaines castle, 39. his negotiations with the Scottish nobility, 39-47. sails for France, 55. his conduct disapproved by the Hamiltons, *ib.*

Hope, sir James, king's advocate, declares episcopacy contrary to the word of God, constitution of the church, and laws of the land, iii. 476

Hugonots protected in Scotland, v. 235

Humber to be the boundary between the Britons, and the Scots and Picts, i. 226

Hume, Alexander earl of, his frequent rebellions, ii. 271-3. condemned and executed, 274 and note

Hume, earl of, besieges Bothwell in Borthwick castle, ii. 516. his castle taken by the English and pillaged—shuts himself up in Edinburgh castle, 585

Hume of Hume, his trial, v. 143. earl of Perth keeps up his pardon, 144. his execution, 145

Hume, David, of Wedderburn, kills D'Arcy, in revenge for the death of the earl of Hume, ii. 277

Hume, David, (historian,) proceedings of the church against, vi. 620

Huntly, earl of, created earl of Moray, by the interest of the French king, ii. 380. irritated at this being taken from him, 452. seizes the chief of the Mackintoshes—throws him into prison, and prevails on his wife to put him to death, 453. his opposition to earl of Moray—accuses him of aspiring to the crown, *ib.* his plan to effect his murder, 456. encourages the queen to visit the north, 458. engages her in his devices for the murder of Moray, 458-9. their repeated plans defeated, 460. loses the queen's favour, 461. attempts to obtain possession of her person, 462. again attempts the life of Moray, *ib.* resolves to give him battle, 463. is defeated—taken prisoner, with his two sons—dies of his wounds, 464

Huntly, earl of, refuses to take oath of allegiance to James VI., ii. 555. appoints lieutenants around the Dee, 556. the regent's lenity towards him, 559. gives hostages to the regent, 560. plants a force in Brechin, 590. deserts them—they surrender to the regent, 591. attempts in vain to raise another army—flees with a few attendants, *ib.*

Huntly, earl of, his plot to deliver the kingdom into the hands of Philip, king

of Spain, iii. 167. his attempt on the king, 168. assembles forces at Aberdeen—they disperse on the approach of the king—submits, 170. imprisoned—set at liberty, 171. his quarrel with earl of Moray, 176. murders him, 179. engages in a conspiracy to overthrow the protestant religion, 188. in arms in the north, 191. attacks and defeats Argyle, 208-9. receives permission to leave the country, 210. returns, 218. offers to find security for good behaviour, *ib.* dissuaded from complying with the regulations prescribed, 240

Huntly, marquis of, excommunicated as a papist, iii. 323. committed to Edinburgh castle, 342. set at liberty—recants from popery, 344. is absolved by the general assembly, *ib.* interferes in the quarrel between Frendraught and Rothmay, 389. his son burnt in Frendraught-place, 390. in revenge wastes his lands, 391. summoned for this before the council—he excuses himself—committed to Edinburgh castle—released—his death, *ib.*

Huntly, marquis of, arms in the north—takes possession of Aberdeen, iii. 498. retires on approach of Montrose, 499. has a conference with him—peace agreed on—refuses to accompany him to the south—taken prisoner to Edinburgh, 501. refuses to take the solemn league and covenant—orders for his apprehension and sequestration, iv. 152. enters Aberdeen, plunders it of arms and ammunition—declares war against the covenanters—sends a force and burns and plunders Montrose, 152-3. covenanters assemble in force against him, 153. dismisses his followers, and retires to Achindoun, 154. forfeited and his estates exposed to sale, 184. refuses to join Montrose, 223. attacks Aberdeen—his vassals desert—he retires to Strathbogie, 242. executed, 370. the forfeiture against him repealed, iv. 249

Huntly, marquis, Lewis Gordon restored to the estates and titles of, iv. 429. chosen president of committee of estates—submits to the English, 439

Hurry, his character, iv. 193. surprises one of Montrose's parties—seizes his son at Montrose—joins Baillie in Angus—ordered to the north—his troops mutiny, 194. retreats to Inverness, 195. defeated by Montrose, 196. his death, 222.

## I

Impress warrants first issued in Scotland vi. 617. evil effects of this, 618

Inchcolm, English land on, plunder and burn the monastery, ii. 45

Incident, the, a plot against Hamilton and Argyle so denominated—particulars of it, iv. 34. evidence concerning it, 35. note. effects of this on the English parliament, 39

Independents, their first appearance in Scotland, iii. 545. act of the general assembly respecting them, iv. 51. their principles, 200. differ from the presbyterians on church government—discussions in Westminster assembly on the subject, 201. who decide in favour of presbytery, 203. they plead for indulgence, *ib.* send proposals to the king, 282. rejected by him, 283. renew negotiations with him, 284. Glass the founder of a new sect in Scotland, vi. 410

Inverlochy, ruins of, i. 33 and note

Inverness, taken by the pretender, vi. 240. by the royalists, 242. by prince Charles 520. by duke of Cumberland, 537

Inverness castle, rebuilt by James I. ii. 90. taken by lord of the isles, 185. by queen Mary, 461

Iona, Scots first settle there, i. 205 and note

Ireland peopled from Spain, i. 83. the inhabitants denominated Scots, 119, 154

Irish massacre, its cause, iv. 40-1. its horrid execution, 42-3. the Scots in Ulster defend themselves till assistance arrives, 43

Isla, or Ilay, Arch. earl of, assists in proclaiming Geo. I. vi. 168. prevents the Jacobites from seizing the town guard of Edinburgh, 211. secures Inverary, 233. dismissed from office of clerk register, 280. bill for assimilating wrongous imprisonment to habeas corpus lost through his influence, 393. seconds inquiry into Porteous riot, 402. See ARGYLE

## J

Jacobites, name given to the adherents of king James, VII. v. 332. assume the name of cavaliers, 514. publicly celebrate the pretender's birth-day in Edinburgh, vi. 22. urge the necessity of the pretender's speedy arrival, 59. they exhibit symbols of attachment to him at Lochmaben races, and drink his health at the cross, 164. outrages committed by them in England, 187. their secret preparations for open rebellion, *ib.* intrigue with the Swedish ministers for an invasion of Scotland, 282-3

James I, detained prisoner in England, ii. 75. is carefully instructed in

learning, 75. carried to France by Henry V, 83. ransomed and returns home, 87. crowned, *ib.* gives offence by his acts for raising money to pay his ransom, 88. tries his uncle Murdo, his two sons, and father-in-law, who are condemned and executed, 89. sends their heads to his uncle's widow, 90. rebuilds castle of Inverness, *ib.* disappointed in his endeavours to reform the church—he establishes schools for the dissemination of learning among all ranks, 96. builds the Carthusian monastery at Perth, 99. causes of his unpopularity, 99-102. his daughter betrothed to the dauphin, is demanded by France, and at the same time an alliance proposed by England, 106. she is sent to France, 107. her death, 110; see note 107. declares war against England—besieges Roxburgh—*informed of a conspiracy against his life—raises the siege, 111. murdered, 112, and note*

James II, crowned, *ii.* 117. distracted state of the country, *ib.* and 118. taken by stealth from Edinburgh castle by his mother, and carried to Stirling, 119. Edinburgh castle surrenders, and he arrives there, 122. taken by the chancellor Crichton while hunting, under the pretence of placing the government in his hands, 126. kills earl of Douglas in Stirling castle, 154. besieges Roxburgh castle, 165. killed by the bursting of a cannon, 166

James III, succeeds his father, *ii.* 168. a council appointed to govern the kingdom, 184. marries Margaret, daughter of king of Denmark, 194. his implacable hatred against the Boyds, 193-5. his superstition and credulity, 201. employing mean advisers, irritates his nobles, 202. puts his brother John to death, 203. levies an army to advance into England, 205. his nobles conspire, put his favourites to death, and the army disbanded, 205-8. shuts himself up in Edinburgh castle—set at liberty and restored to his kingdom by his brother Alexander, 212. takes Dunbar castle, 215. his plan for cutting off his nobles, 216. who having brought over his son to their views, take arms against him, 218. he proceeds to Stirling—refused admittance into the castle—a battle ensues—his army defeated—flees—is overtaken and killed, 220 and note. magnificently interred, 223

James IV, ascends the throne—obtains possession of Edinburgh and Stirling castles, *ii.* 223. gains over sir Andrew Wood, 224. the nobles attached to

the late king—surprised and defeated, 225-6. his penance on account of his father's death, 229. supports the imposture of Peter Warbeck, 231-3. enters and plunders Northumberland, 234. again invades England, 235. marries Margaret, daughter of Henry VII, 239 and note. becomes unpopular through imposing unjust taxes, 242. determines on war with England, 249. his vision in Linlithgow church, 250 and note 251. invades England, *ib.* his foolish intrigue with lady Ford disheartens his army, 252. killed at Flodden, 256-7 and note. his character, 261

James V, *ii.* 262. distracted state of the country, 265. installed in the government, 288. calls a parliament and dissolves the regency, 289. kept possession of by the earl of Angus, 291-2. nobles hold a meeting at Jedburgh to endeavour his rescue—Scott of Buccleugh defeated in the attempt, 292. earl of Lennox fails in a similar attempt, 293. he effects his deliverance and arrives at Stirling—excludes the Douglasses from public employments, and from court, 298. calls a parliament at Edinburgh—offers terms to the Douglasses which are rejected, 299. they flee to England, 302. marches to the borders to suppress robberies, *ib.* harassing war with England, 307-8. peace concluded through the mediation of France, 309. visits Orkney and the western islands, 311. his severity against the professors of Lutheran principles, *ib.* an embassy sent to him by Henry VIII. on this subject, and desiring an interview, which his nobles persuade him to decline, 312-13. sails for France, 315. marries Magdalene, daughter to Francis I, who dies shortly after her arrival in Scotland, *ib.* marries Mary of Guise, 317. again invited to meet Henry VII, at York—dissuaded by the clergy, 319. his portentous dream—both his sons die, 321. war with England—prepares for hostilities—encamps at Fala, *ib.* the English retreat, 322. his nobles refuse to pursue them, *ib.* appoints Oliver Sinclair commander of an expedition by Solway—the nobles incensed, refuse to fight—attacked by the English and routed, 323. his mind overcome by indignation, rage and grief, he dies, *ib.* his character, 324

James VI, born, *ii.* 484. crowned, 527. his early proficiency in learning, *iii.* 20. his interviews with Argyle and Athol, 22. calls a meeting of the nobles, *ib.* determines to assume the govern-

ment, 22. calls a parliament at Stirling, 29. opens it in person, 30. his assumption of the government confirmed, *ib.* calls a parliament at Edinburgh, 36. his arrival and reception there, 37 and note. swears to the national covenant, 38. rejects the solicitations of Elizabeth in favour of Morton, 42. the licentiousness of his court, 55. prohibits the general assembly from interfering in any points but those regarding life and doctrine, 57. commands it to stop proceedings in the case of Montgomery—their respectful but firm conduct, *ib.* decoyed by the nobles to Ruthven, where they forcibly detain him, 59. forced to order Lennox out of the kingdom, 62. consents to the return of earl of Angus, 64. brought by the nobles to Edinburgh, *ib.* receives an embassy from France, 66. his secret dissatisfaction with his present situation—calls a meeting of the estates at St. Andrews, 69. arrives there—regains his liberty, 70. recalls the earl of Arran—his mischievous influence over him, 71. his answer to queen Elizabeth's letter, 72. his reply to the grievances of the ministers, 75. calls a parliament at Edinburgh, 81. the illegal and tyrannical acts passed, 82-3. his conduct towards the banished ministers, 84-6. receives ambassadors from Denmark, 95. surprised by the return of the exiled lords—retires to Stirling, 96. they take the town, 97. and invest the castle, 98. he grants them full pardon, 99. which is ratified at Linlithgow, *ib.* resolves to support the arbitrary laws passed under Arran's government, 100. his declaration in answer to the animadversions of the ministers upon them, 101. interrupts Balcanquhall in his sermon, 102. his strange conduct to Arch. Douglas, implicated in the murder of his father, 105. concludes a treaty with England in support of the reformed religion and the defence of either kingdom, 107-8. his barbarous letter to his mother, 114. his intercession in his mother's favour, 132-3. appoints a public fast and prayers to be offered up for her, 135. his conduct on receiving intelligence of her execution, 144-5 and note. reconciles the nobles, 150. courted by Elizabeth on the prospect of the Spanish invasion—and by Philip, 158. adheres to England, *ib.* marches against lord Maxwell, who had created an insurrection in favour of the Spaniards—takes him prisoner, 161. apprised of the sailing of the Armada—offers assistance to England, 162. a plot formed by Hunt-

ly, &c. to deliver the kingdom to Philip of Spain, 167. Huntly's attempt to obtain possession of his person, 168. orders the Jesuit priests to leave the country, *ib.* marches against the popish lords, 170. they submit, *ib.* sends a marriage embassy to Denmark, 171. goes there—is married, *ib.* arrives at Leith, 174. his queen's coronation, *ib.* his declaration to the general assembly, 175. Bothwell's attempt to seize his person defeated, 178-9. demands of the church acceded to, and presbytery established, 181-2. another attempt by Bothwell to seize his person at Falkland, defeated, 184. another plot of the popish lords discovered, 187. proceeds to the north against them, 191. Bothwell obtains admission to his chamber, 193. extorts a pardon, 194. which is annulled by parliament, 195. the popish lords excommunicated, 196. his anger at this, 197. sets out for the borders, *ib.* receives them at Fala, and makes arrangements for their trial, 198. the commissioners of the church send a deputation to Jedburgh to remonstrate against this, *ib.* his reply, 199. decision of parliament on their case, 200. an act of abolition passed, and the prosecution dropped, *ib.* the lords not fulfilling the terms required, 202. grants commission to Argyle and other noblemen to attack their estates, 208. proceeds against them in person, 209. distress of his army, 210. grants Huntly and his confederates leave to go out of the country, *ib.* his earnest desire to recall the banished lords, 217. agreed to by a convention of the nobles, 218. the ministers remonstrate against it, *ib.* his negotiations with them, 221-2. asserts his right of supreme judge in ecclesiastical matters, 224. orders the ministers to subscribe a bond to obey the king and council, 226. refuses to listen to the deputation sent by the ministers, 228. a tumult ensues, *ib.* the provost quells it, 229. retires to Linlithgow—orders the courts of justice to leave the city, *ib.* Lord Hamilton's treachery, *ib.* cites the ministers to Linlithgow—they decline, and secrete themselves, *ib.* magistrates send a deputation to the king, *ib.* their reception—the tumult declared treason, 232. court of session moved to Perth, *ib.* he returns and makes a public entry into Edinburgh, *ib.* his compromise with the magistrates, 235. convention of ministers meets by his command at Perth, 237. it grants commission to the ministers in the north

to commune with the popish lords about receiving them into the church, 238. they take the oath, and are absolved, 240. his authority to decide on ecclesiastical matters disputed, 241. visits St. Andrews, *ib.* prescribes to professors the subjects they are to teach, 242. his proceedings against witches, 244. petition for the ministers to have a seat in parliament, *ib.* the king consents, 245. debates in the general assembly respecting it—the question carried, 247. solicits foreign powers to support his claim to the throne of England, 251. his promises to the pope, *ib.* his instructions to his son in respect of government, 252. fills up the bishoprics clandestinely, 256. the Gowrie conspiracy, 257. courts both parties in England, 266. his intercession in favour of Essex too late, 267. his declaration to the general assembly, 268. proclaimed king of England, 272. his declaration in St. Giles' church, 274. set out for London, *ib.* enters the metropolis, 276. crowned at Westminster, 282. meditates an union, and uniformity in religious worship in the two kingdoms, *ib.* orders the puritans to conform to the established church, 289. calls a parliament—his opening speech, *ib.* and notes. commissioners appointed to treat for a union, 291. result of their conference, 294. assumes the title of king of Great Britain, 295. his conduct towards the church in Scotland, *ib.* prohibits the holding of a general assembly, 296. the iniquitous trial of Forbes, Welsh, &c. 300. the advocate's letter, announcing their conviction, 303, note. banishes the other ministers without trial, 305. parliament confirms the royal prerogative without limitation, 306. restores the bishops to their ancient honours and emoluments, 307. their arrogance, 310. calls the ministers to London—their conference at Hampton Court, with the bishops in his presence, 311-12. forces them to attend divine service at the chapel royal, 313. disputes concerning constant moderators of presbyteries, 317-22. proceedings at Perth, *ib.* and note. requires papists to abjure the pope's power to dethrone kings, 325. is accused by Bellarmine of deceiving the Roman catholics, and of his correspondence with the pope, 326. consistorial courts restored to the bishops, *ib.* archbishops empowered to hold courts of high commission, 329. servility of the general assembly, 330-2. doubts as to the regular ordination of the bishops—they are consecrated anew by the English bishops, 333. effects of the union of

the crowns on the trade of Scotland, 340. calls an assembly at Aberdeen, 344. a liturgy proposed, 345. resolves to visit Scotland—his arrival and reception, 347-8. visits the principal counties—his famous dispute with the Edinburgh professors at Stirling, 348-9 and note. his supremacy in church government objected to by the ministers, 351, opposed by the ministers in the ceremonies he wished to enforce, 355. leaves Scotland, 356. issues a proclamation allowing games, &c. on Sunday, 357, and note. his letter to the archbishop of St. Andrews—orders Christmas to be kept, 358. the people pay no attention to it, *ib.* an assembly called at Perth—the king's letter to it—the articles he required to be adopted, 360. pass by a considerable majority, 365. proclaimed at the cross of Edinburgh, 366. calls a parliament, *ib.* the articles of Perth passed, 371. protestation against all the innovations since the reformation, posted by the ministers at the cross of Edinburgh, 372. his orders to the bishops for enforcing the articles of Perth, 372-3. effects of it, 374. directs popish priests and recusants to be set at liberty, *ib.* embraces the Arminian system, 376. his false pretext for releasing the papists—his continued persecution of the ministers, 377. prohibits the deprived ministers from preaching in private houses, 381. orders the inhabitants to receive the sacrament kneeling, 382. they declare their determination to resist—plague breaks out, *ib.* seized with a tertian ague—neglected during his illness—his death, *ib.* suspected of poison, *ib.* his character, 383-4

James VII.—his declaration on ascending the throne, v. 190. his after explanation of it, 191. declines the coronation oath, 192. his first parliament held, 200. its unparalleled servility, 203. its shocking enactments, 206. plot by the refugees in Holland for overturning his government, 208. preparations to frustrate it, 210. his proposal to keep a standing army, and to employ Roman catholic officers, startles the English parliament, 237. dispenses with Roman catholics taking the test, 233. Roman catholic worship openly practised, 240. riot in Edinburgh in consequence, *ib.* parliament meets, 241. his proposals to it for toleration to Roman catholics, 242. answer of the parliament, 243. debates upon it, 244-6. not carried, 247. he declares his determination to protect the Roman catholics, 248. establishes that worship in chapel of Holyrood house, *ib.* proclaims



indulgence to Roman catholics, but orders the laws against field conventicles to be strictly enforced, 250. substitutes an oath of allegiance for the test, *ib.* refused by presbyterians and episcopalians, 251. extends the indulgence to England, *ib.* grants freedom of worship to all persuasions in churches or chapels, but prohibits field conventicles, 254. accepted by the presbyterians in general, but refused by the covenanters, *ib.* his arbitrary measures in England and Scotland against the seats of learning, 255. church of England refuses to acknowledge his absolute power and prerogative, 261. the refractory Bishops acquitted, 262. completely deceived as to the conspiracy formed against him, 264. and William's preparations for invasion, 265. deserted by his army and fleet, 268. agrees to negotiate with William, 269. conditions offered him, 270. advised to retire to France, *ib.* leaves London, 271. leaves England, 273. the throne declared vacant, 276. his letter to the convention of estates treated with contempt, 302. he empowers Balcarras, &c. to hold another parliament, *ib.* lands in Ireland—his despatches to Balcarras seized and published, 316. sends reinforcements to viscount Dundee, 353. his adherents defeated and dispersed at Cromdale, 385. fails in another attempt to regain his crown, 453. his death, 505. his character, *ib.*

James, son to James VII. and II. acknowledged king of England by Louis XIV. v. 505. sends a declaration of war by colonel Hooke, in which he assumes the title of James VIII. vi. 38. his adherents depressed by it, *ib.* his presence required by them in Scotland, 39-45. places proposed for his landing, 54. sails from Dunkirk, 66. falls in with the English fleet, 67. puts back, 68. causes a medal to be circulated, 112. received by the faculty of advocates, 113. proceedings thereupon, 114. his letter to queen Anne, 120. defeats his own plans by his attachment to popery, 139. his sentiments on religious liberty, 157. the king of France desires him to leave his kingdom, 171. his declaration on the death of queen Anne, 179. his intention of making another attempt communicated to the English government, 189. a reward offered for him, dead or alive, 190. manifesto of the earl of Mar, &c. 202. proceedings of the rebels, 206-56. (See REBELLION 1715.) lands at Peterhead—proclaimed at Feteresso, 257. receives addresses from the episcopal clergy of the diocese, and magistrates

of Aberdeen, *ib.* makes his public entry into Dundee—arrives at Scoone—makes his entry into Perth—appoints his council, 259. his refusal to take the coronation oath alienates his friends, 260. villages of Auchterarder, Crieff, &c. burned by his orders, 262. his grief at leaving Perth, 264. quits Scotland, and lands in France, 265. termination of the rebellion, 269. punishment, of the leaders, &c. *ib.* intrigues with Sweden disclosed through his own folly, 283. arrives in Spain, 288. his reception at Madrid, 289. Spanish force sails from Cadiz for Scotland—dispersed by a storm, *ib.* two of the frigates reach Kintail, *ib.* fate of the expedition, 290. nominates a committee to watch over his interest, 293. disgusts his tried friends, 294. his projects for another rising, 323. his domestic quarrels estrange his friends, 327. his consort retires to a convent, 328. his letters to Lockhart seized, 336. his proceedings on the death of George I. 351. his character by Lockhart, 361. association formed at Edinburgh to support his right, 414. receives assurances of support from the court of France, on condition the English join in a like association, 429. plan of the descent—the English refuse to sign any deed, *ib.* his son takes the command of the expedition, 430. his death, 596

James, youngest son of Murdo the governor, burns Dunbarton—flees to Ireland, where he dies, *ii.* 89.

Jedburgh burned by the English, *ii.* 283-4, 343. attacked by the queen's party, 625. who are defeated, 626

Jedburgh castle taken and demolished by the people of Teviotdale, *ii.* 76.

Joan, widow of James I., carries her son by stealth from the castle of Edinburgh, *ii.* 118. put in confinement, 124. her death, 138.

John, king of England, invades Scotland, *i.* 373. deserted by his subjects, he transfers his crown to the pope, 374. poisoned by a monk at Newark, *ib.*

John, eldest son of Robert II., succeeds him, and changes his name to Robert, (see Robert III.) *ii.* 64.

John de Vienne, arrives in Scotland, and with earl Douglas invades Northumberland, *ii.* 47. lays Cumberland waste, 48. disagreeing with the Scots, and his army plundering the inhabitants, who insisted upon reparation, is sent off, 50. he is detained until they were satisfied, 51.

Johnston, Archibald, lord Warriston, executed, *iv.* 511. his character, 512.

Johnstone of Westerraw, his blasphemous

mous expressions on enforcing the test, v. 157

Johnstons and Maxwells, feuds between the, iii. 92, 201

Judges first appointed, i. 168. salaries paid by a tax on the clergy, ii. 306

Jury, method of choosing in Scotland, ii. 89

Justiciary, court of, its iniquitous proceedings, v. 161-2

## K

Kay and Chattan, memorable battle between the clans of, ii. 66

Kearnachs, a peculiar class of highlanders, vi. 32. anecdotes of, ib. note

Keith, sir William, sent to England to protest against the execution of queen Mary, iii. 132

Kelso burned by the English, ii. 343. pretender proclaimed at, vi. 228

Kenmure, viscount, joins the earl of Mar, vi. 195. receives orders to raise the southern counties, and attack Argyle in rear, 213. appointed to the command in the south, 220. his design against Dumfries frustrated, 221. proclaims the pretender at Hawick, 223. surrenders at Preston, 252. committed to the tower, 253. impeached for high treason, 270. pleads guilty, ib. suffers on Tower-hill, 272. professes his attachment to the pretender, ib.

Kennedy, James, archbishop of St. Andrews, opposes the aggrandisement of William, earl of Douglas, who wastes his lands, ii. 136. disputes the queen's right to be the tutor of her son, James III, 173-6. his death and character, 188

Kenneth I, his reign, i. 250 and note

Kenneth II, succeeds Alpin his father, i. 266. completely subdues the Picts, 270-1. expells them the kingdom, and divides their lands among his soldiers, 273. carries the coronation marble block from Argyle to Scoone, and incloses it in a wooden chair, 274. having extended his kingdom from Orkney to Hadrian's wall, dies, 275 and note

Kenneth III, succeeds Cullen, i. 298. changes the law respecting the succession to the crown, ib. killed while on a visit to Mearns to worship the bones of St. Palladius, 311

Kent, earl of, his savage conduct to queen Mary at her execution, iii. 138-40

Ker, of Ancrum assassinated by Kerr of Cessford, iii. 177

Ker, (Andrew) of Fernihurst, accompanies earl of Hume to court, ii. 273. tried and condemned, 274. obtains a day's

respite—escapes, 276. his quarrel with earl of Angus, 277

Ker, of the family of Fernihurst, created earl of Somerset, iii. 335. See SOMERSET

Kerr, colonel, invited to command the troops of western association, iv. 408. attacks Lambert, is defeated, wounded and taken prisoner, 415

Kilblaine Wood, battle of, ii. 22

Killicrankie, battle of, v. 354-9

Kilmarnock, earl of, joins the royal forces, vi. 209. garrisons Gartartan, 210. (his son) joins prince Charles, 454. taken prisoner at Culloden, 538. sent to London, 560. his trial—pleads guilty, 563. his execution, 566

Kilsyth, battle of, iv. 215

Kinfauns, laird of, made provost of Perth in the room of Ruthven, ii. 351. driven from Perth by the reformers, 412

King, Mr. made prisoner by Claverhouse, v. 86. rescued at Drumclog, 87. again taken at Bothwell-bridge, 92. executed at Edinburgh, 98

Kirkaldy, of Grange, his seat razed by the French, ii. 423. sent with a fleet in quest of Bothwell, 529. forges letters in the regent's name, and gets possession of Maitland, who he conveys to the castle, 567. refuses to appear before the regent, ib. is not averse to make peace with the king's party, 629. refuses to negotiate with Morton, iii. 2. burns part of the city of Edinburgh, ib. see note, p. 3. refuses to accede to the treaty made with Chattellerault, 4. is besieged in the castle, 5. asks a truce, ib. surrenders to sir W. Drury, who is forced to deliver him to the regent, 6. is condemned and executed, ib.

Knox, John, admonishes Norman Leslie to deliver the castle of St. Andrews, ii. 352. preaches at Perth, 404. preaches before the lords of the congregation at Stirling, 422. preaches coronation sermon of James VI. 527. his death, iii. 1 and note

Kyd, Mr. taken at Bothwell-bridge, v. 92. executed at Edinburgh, 98

## L

La Hogue, battle of, v. 417

Lanark, earl of, secretary, iv. 32. a plot against him, 34. refuses to take the covenant—joins the king at Oxford, 126. is arrested—escapes to London, 128. advises the king to agree to the propositions of parliament 270. requested by him to join the commissioners in Eng-

land, 286. joins Charles II. in Holland, 361. advises him to accede to the propositions of the Scottish parliament, 368. See HAMILTON

Lancaster, John, duke of, negotiates a truce with Scotland, ii. 43. remains there during the internal commotions in England, 44. invades Scotland—protects Edinburgh from the fury of his army, 45. his fleet plunders Inchcolm—his army landing in Fife, defeated with considerable loss, *ib.*

Langside, battle of, ii. 536

Largs, battle of, i. 380

Laud, archbishop of Canterbury, accompanies Charles I. to Scotland, iii. 395, note. his behaviour to archbishop of Glasgow—coronation sermon, 397. orders the English liturgy to be used in the chapel-royal, and all the holidays to be observed, *ib.* his conduct to those who suppressed revels on Sundays, 405, note. his haughty and supercilious treatment of the Scottish lords, 531-2. his influence in courts of high commission and star-chamber, iv. 3-7. impeached by the house of commons, 10. suffers death, 174

Lauderdale, earl of, joins Charles II. in Holland, iv. 361, advises him to accede to the propositions of the Scottish parliament, 368. taken prisoner at battle of Worcester, 435. appointed secretary, 471. labours to preserve presbytery, 474. procures the removal of the English army, *ib.* recommends deliberation as to introducing episcopacy in Scotland, 491. urges its introduction, 493. presses an act of oblivion, 497. objects to the bill of indemnity, 499. appointed governor of Edinburgh castle, 506. succeeds to the uncontrolled direction of affairs in Scotland, 507. joins the episcopalian party, 508. appointed commissioner, 544. marries lady Dysart, v. 2. consequences of this connection to Scotland, 3. created Duke, (1672) 5. voted by the English house of commons unworthy of any office of trust, 11. procures an act of grace remitting fines, &c. 18. commons petition the king to dismiss him from his councils and presence, 25. again obtains the ascendancy in Scotland, 50. English parliament again petition for his dismissal, 67. his conduct approved by the estates, 70. impeached before the king by the Scottish lords, 94. receives a plenary pardon, 97. excommunicated at Torwood, 110. his death, 147. character, *ib.*

Laurieston, commissioner to the general assembly—his duplicity, iii. 297.

charged by A. Melville in the king's presence to tell the truth, 312

Law, bishop of Orkney, translated to Glasgow, iii. 362. refuses to appear in the dress appointed to be worn at king Charles' coronation—pulled from his seat by order of Laud, 397

Leasing-making, the abominable nature of this act, iv. 482, note

Le Croc, the French ambassador refuses to countenance queen Mary's marriage with Bothwell, ii. 506. attempts in vain to bring the confederate lords to terms with her, 520

Leicester, earl of, recommends to poison queen Mary, ii. 119

Leighton, Alexander, most barbarous treatment of, iv. 7, 8

Leighton, Robert, appointed to the see of Glasgow, iv. 547. attempts an accommodation between the presbyterians and episcopalians, 551. resigns his charge, v. 42

Lennox, (Esme Stuart) earl of—highly in favour with the king, iii. 36. accompanies him to Edinburgh, 37. Morton's insinuations against him, *ib.* renounces popery, 38. appointed high chamberlain, 39. created Duke, 53. his endeavours to bring the church under the civil power, 56. sells the archbishopric of Glasgow to Robert Montgomery, *ib.* overawed by the intrepidity of A. Melville, 59. the nobles conspire to remove him from the king, *ib.* receives a letter from the king commanding him to leave the kingdom, 62. denied admission to the king to take leave, *ib.* departs for France—his death, *ib.*

Lennox, John, earl of, appointed one of the regents of the kingdom, ii. 280. is confided in by the king, 291. his ambiguous conduct in the attempt of the nobles to rescue the king from the Douglas party—leaves the court, 293. commissioned by the king, calls a meeting of his partisans at Stirling, and discloses his intention of liberating him, *ib.* defeated by the Douglas party and slain, 294. his death avenged by one of his menial servants, 296. who suffers a dreadful death most courageously, 297

Lennox, Matthew, earl of, solicited to return from France, ii. 332. arrives in Scotland, 333. is kindly received by the regent, *ib.* amused by the queen dowager under pretence of receiving his addresses, 335. discovers the deceit, 336. withdraws to Dumbarton, *ib.* receives money from France, raises an army and comes to Leith, 337. makes peace with



**Arran, 331.** advised to beware of treachery he proceeds to Glasgow, fortifies the castle, and proceeds to Dunbarton, *ib.* the French king alienated from him, 340. defeated by the regent, 342. goes to England, 343. condemned by parliament in his absence, *ib.* arrives at Dumfries, wastes Douglas' lands, *ib.* by permission of the queen, returns to Scotland—his estates restored, 465. appointed lieutenant in northwestern counties, 472. demands the trial of Bothwell for the murder of the king, his son, 500. appointed regent, 589. proceeds north against Huntly—subdues his followers, 590-1. he sends ambassadors to England—takes Paisley tower and marches into Ayr, *ib.* takes Dunbarton castle by surprise, 598. calls a parliament at Stirling to receive the report of the ambassadors to England, 601. which is approved, 612. holds a parliament in the suburbs of Edinburgh, the town and castle being in possession of the queen's party, 612. castle fires upon it during its sittings, *ib.* intercepts the supplies coming by sea to Edinburgh castle, 617. holds a parliament at Stirling, wherein thirty of the queen's party are condemned, 619. the rebels attack Leith, and are defeated, *ib.* they surprise Stirling—take him and the earl of Morton prisoners, 620. dies of the wounds received after he had surrendered, 622. those who wounded him put to death, *ib.*

**Leslie, Alexander,** invited to assist in defence of his country, *iii.* 493. takes Edinburgh castle, 497. appointed commander-in-chief of the covenanters' army, 502. arrives at Dunblair, 507. advances to Dunse-law, 509. again appointed commander-in-chief of the covenanters' army, 541. enters England, 555. defeats the royalists at Newburn Fords, 557. enters Newcastle, 560. Durham, 561. created earl of LEVEN, *iv.* 49. appointed commander of the army sent to assist the English against the king, 127, *note.* invests Newcastle, 141. commands left of the centre in the battle of Marston Moor, 147. returns to the siege of Newcastle, 150. takes it by assault, 151. discloses to parliament the proposals of the king to the Scottish generals—receives a letter of thanks, 211. forced to raise the siege of Hereford, 212. commands English and Scots at the siege of Newark, 228. resigns his command, 313. put again in command of the army, 328.

**Leslie, David,** defeats Montrose at Philiphaugh, *iv.* 219. sends the nobles, &c. made prisoners, for trial, 221, *see*

*note.* proceeds to Glasgow, 222. returns to England, 223. receives the king into his quarters, 239. puts the garrison of Dunavertie to the sword, 297. commands the army of the nobles, 328. appointed to command the army on the invasion of Cromwell, 389. defeats him, 390. follows him in his retreat, 397. completely defeated at Dunbar, 400. retires to Stirling, 402. his conduct approved by the estates, 404. reinstated against his will in the command, 405. frustrates an attempt of Cromwell on his lines at Stirling, 430. disapproves of the king's advancing into England, 433.

**Leslie, Norman,** conspires against cardinal Beaton, and puts him to death, *ii.* 360. keeps possession of the castle of St. Andrews, 362. is besieged by the regent—wastes the neighbouring country—admonished by John Knox to refrain, *ib.* besieged by the French, 363. surrenders and carried prisoner to France, 364.

**Lex Rex,** burned by the common hangman, *iv.* 473.

**Liddisdale** ravaged by the English, *iii.* 242.

**Lindsay, Rev. David,** appointed by the clergy to wait on the king—apprehended by order of Arran, and sent prisoner to Blackness, *iii.* 82.

**Lindsay, David,** tried for high treason, *v.* 539. his constancy and his fate, *ib.*

**Lisbon,** destroyed by an earthquake, *vi.* 616.

**Livingston, Alexander,** made regent, *ii.* 117. his differences with Crichton the chancellor, 120. they are reconciled, 122. resigns, 134. declared a traitor, 135. imprisoned, and his estates confiscated, 139.

**Livingston, James,** son of the regent, executed, *ii.* 139. his dying speech, *ib.*

**Lochleven** castle, besieged by E. Baliol, *ii.* 16. raises the siege, 17. queen Mary confined in, 523. escapes, from it, 532.

**Lochness,** the tepid quality of its water, *i.* 35.

**Lockhart, of Carnwath,** a commissioner for the treaty of union, *v.* 560: his speech on the equivalent, *vi.* 105. chief adviser of the Jacobites, 212. one of the committee for the affairs of the pretender, 293. his advice to him, 324. the pretender's letters to him seized, 336. leaves the country, 348. returns and retires from public life, 360. his communications to government, *ib.*

**Logan of Restalrig,** accused after his death, as accessory to the Gowrie con-

traitor—tried—his bones produced in court—his posterity declared infamous, and his estate escheated, 263

Long parliament dissolved by Cromwell, iv. 444

Lords of the articles, first institution of, iii. 155. the duty imposed on them, ib. become a powerful engine in the king's hands, ib. innovations respecting the choosing of, 370, 398

Lords, spiritual and temporal, in parliament, first acknowledged by the Scots, vi. 128

Lorn, earl of, obtains a grant of his father's estates, iv. 487. tried for leasing-making—condemned—pardoned, 501.—See ARGYLE

Loudon, earl of, deputed to the king, iii. 529. his undaunted conduct in the council, 530. his explanation with regard to the letter of the Scottish nobles to the king of France, 538. sent to the tower—a warrant sent to behead him—it is recalled on the representation of Hamilton, 534. released, and sent to Scotland with proposals to the covenanters, 549. chancellor, iv. 32. president of parliament, 414. address to the king on his coronation, 480. set aside as president, 487. retires to the continent, to evade taking the test, v. 138

Loudon, earl of, his regiment joins sir John Cope, vi. 463. reconnoitres the ground at Prestonpans, 465. escapes to Berwick, 470. fails in a plan to seize prince Charles, 509. retreats to Rosshire, 510. to the Isle of Skye, 512

Louis XIV. consents to acknowledge William, v. 456. acknowledges son of James VII. as king, 505. his preparations for the pretender's expedition to Scotland, vi. 59. his gifts to him, 60. invokes the benediction of the pope, ib. orders the expedition to sail, 65. his death, 198

Lowat, lord, offers to lead the troops at Dumfries against the rebels, vi. 223. assists at the taking of Inverness, 242. levies contributions for the royal party in Moray and Nairn, 243. neglected by government, becomes an instigator of rebellion, 414. engages to support the pretender, ib. his atrocious duplicity, 469. refuses an independent company for his son, 476. brought to Inverness as security for his clan—escapes 490. his interview with prince Charles, 538. apprehended, 560, and note 561. his trial—evidence against him, 576. his defence, ib. behaviour under condemnation, 579. petitions for pardon to his son, ib. his conduct on the morning of his execution.

see extraordinary request of Hunter, 2. note. his estate forfeited, 809.

Lunowry, battle of, i. 303, note 304.

## M

M'Donald of Kappoch joins the earl of Mar, vi. 265. his clan give up their arms, 319. joins prince Charles, 444. killed in the battle of Culloden, 535.

M'Kail, Hugh, his execution, iv. 321.

M'Leane and M'Niels, desperate feud between, iii. 104. M'Niels's horrid duplicity and barbarity, 108-7. M'Leane's dreadful revenge, ib.

Macbeth, sent against the rebels in Lochaber—defeats them, i. 328. murders king Duncan, 331. proclaims himself king, ib. kills the thanes of Ross, &c. 332. executes severe justice on the *Æbudes*—enacts many useful statutes, ib. converts the government into a cruel tyranny—kills Banquo, 333. threatens Macduff, who escapes to England, 334. kills his wife and children, ib. Dunsinane attacked by Malcolm, son of Duncan—deserted by his soldiers, he flees, is pursued and slain by Macduff, 336.

Macdonald, a notorious robber, having shod a woman with iron, who threatened to complain to the king of his robberies, is taken and treated in the same manner, and being thus exposed to the people, is executed, 294-5

Macdonald, Flora, effects the escape of prince Charles from Uist, vi. 580

Macduff, on escaping from Macbeth, flees to England, where he finds Malcolm, son of Duncan I, i. 334. induces him to return to Scotland—kills Macbeth, 336. is created an earl with peculiar privileges, 337

Macgregors, their feuds with the Colquhouns—attacked by Argyle and Huntly, iii. 326. their chief surrenders—is basely put to death—the clan annihilated—restored, 337

Mackay, general, sent to the north after Dundee, v. 319. defeated at Killcrankie, 334

Mackays, regiment of, raised for king of Denmark, iii. 392. their services under him and Gustavus Adolphus, 394

Mackenzie, sir George, advocate for marquis of Argyle—king's advocate, v. 52. his conduct on Mitchell's trial, 57-60. his defence of Lauderdale, 95. excommunicated at Torwood, 119. his conduct on Hamilton of Monkland's trial, 156. receives the fine imposed on Scott of Harden, ib. note. his conduct on Cameron

213. commands the expedition to the Lothians, *ib.* arrives at Kelso, 226. one of the hostages delivered to the English at Preston, 251. committed to Newgate, 263. escapes, 274

Macmillan, John, called to be pastor to the Society-men, *vi.* 25. joined by Mr. Narne, 436. they constitute the "Reformed Presbytery," 437

Magnus, son of Hacon, lands in the Æbuda, *i.* 381. surrenders the whole western islands by treaty to Alexander, 382

Maitland, William, his death resolved on by the bishop of Amiens—withdraws from the French and joins the Scottish army, *ii.* 433. sent to England to compliment Elizabeth on the arrival of Mary in Scotland, and request that she should be declared her heir—Elizabeth's answer, 447. employed by Moray as his chief counsellor, 451. accompanies him to York, 541. sent by him to inform Elizabeth of the difference between the queen and the nation, 543. his conferences with Norfolk, 543. accused of the king's murder, 546. Kirkaldy, by forged letters, gets him into the castle, 547. his trial deserted by the regent, 560. released from imprisonment, 574. advises to recall the absent nobles, 576. his factious conduct, 579-82. his death, *iii.* 7

Maitland, ———, secretary, assists in bringing back the exiled Lords, *iii.* 94. made vice-chancellor, 99, *note.* See THIRISTANE

Malcolm I. his reign, *i.* 208-9

Malcolm II. son to Kenneth III. after various contentions ascends the throne, *i.* 316. defeats the Danes in their repeated invasions, 318-20. his nobles conspire against him, and murder him at Glamis, 322. the perpetrators drowned in a loch near Forres, *ib.* see *note.*

Malcolm III. (Canmore) son to Duncan I. on the murder of his father, flees to Cumberland *i.* 332. received at the court of king Edward, 334. obtains assistance and returns to Scotland, 336. ascends the throne, *ib.* restores the estates to the children of the nobles slain by Macbeth, 337. puts to death Luthac son of Macbeth, 338. refusing to deliver Edgar, heir to the English throne, to William the Norman, war takes place—Scotland repeatedly invaded—peace concluded, 341. external peace followed by internal disturbances, 342. abolishes the law of *Merchet* *Mulherum*, 344 and

springing forward to avenge his death, is killed, *ib.*

Malcolm IV. succeeds his grandfather David I. *i.* 339. swears fealty to Henry II. for his possessions in England—is forced to accompany him to France, 360. *i.* insurrection in Moray quelled with immense slaughter, 361. defeats Somersford, 364. parliament petition him to marry—he refuses, having consecrated his body to God, *ib.* and *note.* his death, 368

Malt tax extended to Scotland, *vi.* 145. revived, 309. expedient to elude it, 310. riot at Glasgow in consequence of its enforcement, 311. Edinburgh brewers submit, 315

Margaret, daughter of James I. married to the Dauphin, *ii.* 107. her melancholy fate, *ib.* *note.*

Margaret, widow of James IV. appointed regent, *ii.* 202. marries earl of Angus, 263. loses the regency, 264. escapes to England, 276 and *note.* returns to Scotland, 277. her dislike to her husband, 284. brings the king her son to Edinburgh, and installs him in the government, 289

Mar, Donald, earl of, elected regent, *ii.* 4. killed in opposing E. Balaol at Duplin, 6

Mar, Alex., earl of, opposes Donald, lord of the isles—a destructive but indecisive battle at Harlaw, *ii.* 78, 9

Mar, John, earl of, keeps possession of Edinburgh castle, *ii.* 499. refuses to give up the prince to his mother, 503. joins in the confederacy to protect the king, 515. commands in the army at Hamilton, 536. enters Edinburgh, 564. appointed regent, 622. besieges Edinburgh, 627. arrives at Leith to effect a peace, 629. is over-ruled in the council—retires to Stirling, where he dies, 630

Mar, earl of, turns his uncle out of Stirling castle, and obtains possession of the king's person, *iii.* 28. appointed governor, 99

Mar, earl of, commands in the Highland Host, *v.* 62. joins the Orange party, 305. presents draught of act of union to parliament, 553. presents resolutions of the Scots for dissolving the union to queen Anne, *vi.* 149

Mar, earl of, his letter to George I. *vi.* 173. procures an address to the king from the principal chiefs of the clan, which is falsely interpreted, 175. enters into correspondence with the pretender—arrives in Fife, 194-5. the nobles, &c.

general, 197. raises the standard of rebellion at Castleton, 198. fixes his head quarters at Dunblane, 201. his manifesto, 202. seizes the arms, &c. destined for the royalists in the north, 207. joined by the clan Mackintosh, 213. sends an expedition to the Lothians, *ib.* issues orders for an assessment on the counties of Fife, 233. his collectors surprised by the royalists, 234. he fortifies Perth, *ib.* resolves to proceed southward, *ib.* battle of Sheriffmuir, 237. he claims the victory, 240. makes proposals to Argyle, which are rejected, 255. joined by Macdonald of Keppoch, *ib.* proclaims the pretender at Peterhead, 257. fortifies Perth, 261. orders the destruction of Auchtermurder, &c. 262. determines on a retreat—the clans oppose it, 263. leaves Perth, 264. embarks with the prince, and lands in France, 265. attainted, 270. applies for provisions and money to be sent to Sweden, 284. loses his influence with the pretender, 294. loses his secretaryship, 327.

Mar. Alex., master of, governor to the king, admits Argyle and Athol to interviews with him, *iii.* 22. turned out by his nephew, 28. appointed governor of Edinburgh castle, 29. appointed deputy high chamberlain, 39.

Marrow of Modern Divinity, occasions serious divisions in the church, *vi.* 296.

Mary, queen of James II. encourages the nobles to continue the siege of Roxburgh castle, *ii.* 166. obtains the tutorship of her son James, 173. deprived of it, 184. her death, *ib.*

Marston-moor, battle of, *iv.* 145-8.

Mary of Guise, her marriage to James V. *ii.* 317. her intrigues to obtain the government, 336-369. goes to France, 390. persuades the French king to obtain the resignation of Arran, 391. returns to Scotland, 392. made regent, 394. restores the nobles implicated in the murder of Beaton, 397. nobles refuse to pay for foreign troops, 398. her intrigues to produce war with England, 391. an army marched to the borders, *ib.* thwarted in her operations by the nobles, 392. resolves on marrying her daughter to the dauphin, *ib.* the marriage concluded, 394. favours the priests against the reformers, 400. her haughty speech to the representatives of the congregation—their spirited answer, 402. summones all the ministers of the church to Stirling, 403. her treacherous conduct, *ib.* determines to crush the reformers, 403.

ment, admitting her to Perth upon certain conditions, 404. she violates the treaty, and changes the magistrates—departs for Stirling, 407. marches against the reformers, 410. a truce. in order to a peace, 411. proceeds to Edinburgh—a truce concluded, 413. a French force at Leith, *ib.* she fortifies it, 415. her answer to the lords of the congregation, 416-18. seduces a number of the nobles from the cause—fills their camp with spies, 419-20. excesses of the French, 425. she takes refuge in Edinburgh castle, 427. refuses the terms offered by the reformers, 428. her death, 430. character, *ib.*

Mary succeeds her father James V. *ii.* 325. crowned at Stirling, 334. sent to France, 372. her marriage with the dauphin resolved on by her mother, 392. disastrous voyage of the ambassadors sent to conclude the alliance, 393 and note—the insolent demands of the French indignantly rejected by them 395. are dismissed, *ib.* four of them die before embarkation, under strong suspicions of poison, *ib.* the French ambassador demands the crown of Scotland for the dauphin, 407. she assumes the title of queen of England, *ib.* her husband dies, 435. arrives in Scotland, 440. agrees to change nothing as to religion,—but requires to have the mass performed privately in her family, 441. offended at the proclamation of the magistrates, forbidding all mass-sayers, &c. to remain in the city—she imprisons them, 446. celebrates mass with great pomp, 449. establishes a body guard, 450. creates her brother earl of Moray, 458. escapes the plot laid by Bothwell and Chattellerault to seize her 455. while on a tour in the north Huntly prevails upon her to consent to the murder of her brother, 459. his obstinacy defeats their plans, 460. arrives at Inverness—is refused admittance to the castle, *ib.* besieges and takes it, 461. dismisses Huntly from her favour, *ib.* bestows every mark of favour on her brother, *ib.* opens parliament with great pomp, 463. appoints D. Rizzio her secretary, 467. recalls Bothwell from France, 468. inflamed at the public partiality to her brother. determines on his ruin, *ib.* lays a plan for his murder, *ib.* which fails, 469. creates Darnly duke of Rothesay and earl of Ross, 470. is married to him, 471. he is next day proclaimed king, *ib.* arraigns the nobles who abominated them—

selves from the nuptials, rebels, 472. proceeds against them, 473. manifests a dislike to Darnly—deprives him of any share in the government, 475. is thwarted in her wishes to raise Rizzio to the peerage, 477. her grief at his murder, 481-2. professes submission to her nobles, 482. proceeds to Dunbar, taking the king with her, 483. causes Rizzio's body to be interred in her father's tomb, *ib.* and note. pursues his murderers—proclaims that the king was not accessory to it, 484. retires to Edinburgh castle and is delivered of a prince (James VI.) *ib.* discourages the visits of the king—takes Bothwell into favour, 485. visits Bothwell at Hermitage castle—is taken ill at Jedburgh, 487. the king visits her—her shameful treatment of him, *ib.* suggests a divorce from the king, *ib.* her different conduct to the king and Bothwell on the baptism of her son, 488. manifests her hatred to him by her conduct on his leaving court, *ib.* he is suddenly taken ill, supposed from the effects of poison, *ib.* she refuses to allow her physician to attend him, 489. brings her son to Edinburgh, *ib.* informed that the king designed to leave the kingdom, determines to put him to death, *ib.* dissembles her hatred—visits him at Glasgow—brings him to Edinburgh—places him in the power of Bothwell, 490. her horrid dissimulation, 493. the murder perpetrated, 494. her behaviour on hearing it, *ib.* attempts to lay the blame on Moray and Morton, 495. feelings of the English court on the occasion, *ib.* her sensations on viewing the corpse—causes it to be secretly interred near to Rizzio's, *ib.* pretends great grief, 497. throws off her weeds on the fourth day—sets out with Bothwell for Seton, *ib.* mock proceedings to discover the murderers, 498. negotiates with earl of Mar for the delivery of Edinburgh castle, 499-500. her anxiety to hurry over the trial of Bothwell, accused of the murder of the king, *ib.* her change of behaviour towards parliament, 502. her schemes to hasten her marriage with Bothwell, *ib.* carried off by Bothwell to Dunbar, 503. her marriage to him, 506. sends bishop of Dunblane to France to excuse it, *ib.* her instructions to him, 507-13. demands of the nobles a bond to defend her and Bothwell, 514. Moray refuses to sign it, *ib.* the nobles confederate to protect the prince, 515. besieged in Borthwick castle, 516. escapes in men's clothes to Dunbar, 517. she marches towards Leith, 518. opposed by the reformed, 519. meets

them at Musselburgh, *ib.* prevents Bothwell accepting lord Patrick Lindsay's challenge, 521. orders Bothwell to make his escape, *ib.* surrenders to the nobles, 522. her reception in the confederate army—at Edinburgh, *ib.* sent prisoner to Lochleven castle, 523. entreated to separate her cause from Bothwell's—declares her firm attachment to him, 524. pressed to resign her crown, 525. nominates tutors to her son, *ib.* a party formed to liberate her, 531. escapes and arrives at Hamilton, 532. her army defeated, 536. flees towards England, 537. negotiates with the duke of Norfolk for marriage—sends commissioners to York; who demand the assistance of Elizabeth to restore her to her crown, 541. conferences removed to London, 544. endeavours to excite disturbances at home, *ib.* adopts Chattellerault as her father, 554. appoints him lieutenant of the kingdom, *ib.* her demands of the Scottish parliament, 563. closely confined by Elizabeth, 568. proceedings of her party in Scotland, 580-626. her cause completely ruined there, *iii.* 7. her ambassador dismissed from court of England, *ib.* sends a present to her son, which is refused, 35. her anxiety on receiving information of his being kept at Ruthven by his nobles, 68. writes to Elizabeth, requesting her interference, *ib.* sketch of her sufferings and the causes of them, 109-11. offers to sign the bond entered into by the English nobles to defend Elizabeth against any pretender to the crown of England, 111. her indignation at her son's treatment of her, 114. her intercepted letters adduced as proof of her connivance in Ballard's and Babington's conspiracy against Elizabeth, 117. debates in the English council about putting her to death, 119. conveyed to Fotheringay castle, 120. commissioners appointed to try her, *ib.* Elizabeth's letter to her informing her of her reasons for a public inquiry into her conduct—her reply, 121. declines the authority of the commissioners, *ib.* insidiously induced to acknowledge it, 122. her trial, 122-7. decision of the commissioners, 127. ratified by the English parliament, 128. Elizabeth's pretended attempts to save her life, 129-30. parliament declares the necessity of carrying the sentence into execution, 131. apprised of this—her last letter to Elizabeth, *ib.* the intercession of France and of her son ineffectual, 132. her conduct on receiving the death warrant, 137-8. her execution, 141

Masham, Mrs. supersedes the duchess



of Marlborough in her influence with queen Anne, vi. 94. her negotiations with M. Mesnager, 140

Maximus, the Roman commander, attacks and totally defeats the Scots, i. 204. orders them to leave Britain before a certain day, 205. he divides their country between the Picts and Britons, ib.

Maxwell, lord, involved in a deadly feud with Johnston, through means of Arran, iii. 92. arrives at Kirkcudbright from Spain, 160. fortifies Lochmaben castle, 161. which surrenders to the king, ib. joins the popish lords, 167. killed in a battle with the Johnstons, 201

Maxwell, lord, his quarrel with Morton, iii. 319. refuses to lay down his arms—is imprisoned—escapes, ib. treacherously murders the chief of the Johnstons, 320. is apprehended at Caithness—executed at Edinburgh, 335

Melville, lord, appointed secretary of state, v. 331. commissioner, 378. concessions made to parliament, 380. dismissed from office, 399

Melville, Andrew, arrives in Scotland, iii. 16. courted by Morton, ib. refuses his tempting offers, 25. prefers charges against Montgomery, 57. his intrepid conduct before the king and council at Perth, 59. summoned before the council, 76. his defence, ib. 77. found guilty—escapes to Berwick, 78. his conduct inquired into by the king, 241; see note 242. ordered by the king to leave the general assembly, 246. his freedom before the king, 250. appears at the trial of the ministers at Linlithgow, 300. not permitted to present the petition of the ministers to parliament, 308. summoned to appear before the king, 311. his undaunted conduct, 312. brought before the Scottish council, ib. upbraids their degeneracy, 313. forced to attend at the chapel-royal—his abhorrence of the ceremonies there, ib. called before the English council for an epigram on the occasion—his reproof of the archbishop of Canterbury and bishop Barlow, 314. committed to the tower, 315. goes into exile—dies at Sedan, ib.

Melville, sir James, his advice to the king, iii. 69, 70. opposes the recall of Arran to court, 71. counteracts the intrigues of the English ambassador in respect to a matrimonial alliance with Denmark, 95-6

Melville, James, accuses Adamson of overthrowing the government established in the church, iii. 103. is excommunicated by him, 104. appears at the trial of the ministers at Linlithgow, 300.

called up to London, 311. his spirited behaviour before the Scottish council, 312. confined at Newcastle and Berwick, 315

Melville, John, executed for treason, ii. 378

Melville, sir Robert, sent to Elizabeth to prevent the execution of queen Mary, ii. 132

Merlin, the diviner, flourishes, i. 233. the dubiety and obscurity of his predictions, 234. a confidant and procurer to Vortigern and Uter, kings of the Britons, ib. assists in the seduction of Igerne, the wife of a noble Briton, by the king, 236

Mesnager's negotiations with Mrs. Masham, vi. 140

Methven, Paul, banished, ii. 398

Middleton, general, gained over to the royalist party, iv. 313. assumes the command of the royal army, 452. defeated by the English—escapes to the continent, 454. appointed commissioner to parliament, 471. enters Scotland with regal pomp, 474. opens parliament, 475. hesitates as to passing the recissory act—receives orders to sanction it, 479. repairs to London—recommends episcopacy in Scotland, 491. confines Tweedale for not sanctioning episcopacy, 493. his objections against an act of oblivion, 497. his violent proceedings to enforce the power of the bishops, 503. called to London—the charges against him, 504. and note; dismissed from all his offices, 506. appointed governor of Tangiers—his death, 507

Mill, Walter, burned for heresy, ii. 396

Ministerial visitation of families ordered by the general assembly, vi. 75

Mint removed to Dundee, iv. 429

Mitchell, James, shoots at archbishop Sharpe, iv. 540. apprehended, v. 54. his trial, 57. execution, 60

Monasteries, an act passed for demolishing them, ii. 438

Monk, general, left by Cromwell to reduce Stirling, iv. 432. takes and ravages Dundee, 439. the other fortified places submit, ib. refuses Argyle's proposals for peace, 440. proceeds north against Middleton, 453. disperses his army, 454. makes a treaty with Glencairn, ib. marches towards England, 465. enters England—desired by the Speaker not to approach London—refuses to concur with Fairfax in restoring the king—his probable views—seizes twelve of the common council and destroys the fortifications of London, 466. calls a parliament—they acquiesce in recalling

to the king, 468. overawes the parliament, and hastens the treaty with the king, 469

Monmouth, duke of, assumes the command of the army against the covenanters, v. 90. defeats them at Bothwell Bridge, 91-2. his humanity to the prisoners, 93. his answer to the supplication of the presbyterians, 94. exiled the court, 103. excommunicated at Torwood, 110. joins the refugees in Holland in a plot to overturn the government of James VII, 200. lands in England, 231. executed, ib.

Monteith, sir John, betrays Wallace, i. 413, and note. his plot for seizing Robert I. at Dunbarton castle, 427. discovered, ib. imprisoned, and released on condition of his exposing himself in the front in battle, ib. redeems his character at Bannockburn, ib.

Montgomery, sir James, presents a remonstrance to king William, v. 373. plots a counter-revolution, ib. proposes a junction between the presbyterians and jacobites, 375. his motion respecting church government, 382. termination of the plot, 383-5

Montgomery, Robert, purchases the archbishopric of Glasgow from Lennox, iii. 56. charges preferred against him by A. Melville, 57. his submission to the ecclesiastical courts, ib. renews his episcopal claims, ib. excommunicated, ib.

Montrose, earl of, protests against holding the parliament at Stirling, iii. 30. added to privy council, 32. assists in conducting Morton from Dunbarton to Edinburgh, 44. committed to care of lord Hamilton, 99

Montrose, James, earl of, joins the reformers, iii. 432. protests against the revival of the original covenant, 470. is sent against Huntly, 498. enters Aberdeen—destroys the fortifications—interview with Huntly at Inverury—peace agreed on, 499. forces the covenant on Aberdeen—another interview with Huntly, 500. carries him prisoner to Edinburgh, 501. Aberdeen taken by the Gordons—he retakes it—fines and spoils the inhabitants, 505. marches against the Gordons, ib. returns to oppose Aboyne, who had retaken Aberdeen, ib. takes it again, and levies a heavy fine, 506. gained over by the king, 519. leads the army across the Tweed, 553. detected in corresponding with the king, 565. again detected in a similar correspondence—committed to Edinburgh cas-

proposes to the king to assassinate Hamilton and Argyle, 39. retained in the king's confidence, 58. his advice to the queen for crushing the covenanters, 104. opposed by Hamilton, ib. adopted by the king, 105. the plot discovered and defeated, ib. and note; renews his plot—the king enters decidedly into it, 132. his project of bringing 10,000 Irish to Scotland ratified by the king, 133

Montrose, James, marquis of, enters Scotland—raises the royal standard at Dumfries, iv. 156. proceeds to Scotland in disguise, ib. and note. Irish land in Ross, 157. are joined by numbers from the clans—he heads them—plunders Strathearn, 158. defeats the covenanters at Tippermuir—takes Perth, 159. spoils it—enters Angus—defeats the covenanters at Aberdeen—sacks the town, 161. horrid massacre of the inhabitants by the Irish—proclaims prince Rupert regent, and himself his lieutenant-general, 162. retreats on the approach of Argyle—marches to Inverury, 162. to Badenoch, 163. again enters Angus—repossesses the Grampians—takes Fyvie castle, ib. retires to Badenoch, 164. marches into Athol—ravages Glenorchy—his horrid cruelty, ib. and note; wastes Breadalbane, Argyle and Lorn—pursued by Argyle, 180. defeats him, 181. proceeds to Inverness—lays the vicinity waste, ib. goes into Moray—joined by the Gordons and Grants—accepts of money not to burn Elgin, but delivers it to be plundered by the Grants—exact a large sum from Aberdeen, 182. his barbarities at Stonehaven, &c. 183. forfeited, and his estates exposed to sale, 184. fires and pillages Dundee, 193. retreats to Glenesk, 194. defeats Hurry, 196. destroys Nairn, Elgin and Cullen, 197, and note. defeats Baillie, 199. proceeds south, 200. his horrid cruelty at Cupar, 213. burns the parishes of Muckhart and Dollar—sacks Alloa, 214. encamps at Kilsyth, 215. defeats the covenanters, ib. Glasgow submits to him, 216. appointed by the king captain-general of Scotland—calls a parliament at Glasgow, 217. his followers begin to leave him, 218. completely defeated at Philiphaugh, 219. escapes to Athol, 221. fails in his attempts to raise another army, 222-3. besieges Inverness—retreats—ordered by the king to lay down his arms—treats with Middleton—an indemnity granted him and his followers—retires to the continent, 242. undertakes to place

assassinates the English ambassador at the Hagne, 369. urged by the king to make a descent on Scotland, 372. lands at Orkney—at Caithness, 373. defeated—delivered to Leslie, 375. his reception at Edinburgh, 376. his speech before the estates on receiving sentence, 377. his execution, 379-80. character, *ib.* reflections, 381. his forfeiture reversed, and his remains buried in St. Giles's, 479 and note

Montrose, created duke, *vi.* 15. appointed lord justice-general, 280

Mor, serjeant, anecdote of, *vi.* 32, note

Moray, sir Andrew, appointed regent, *n.* 8. defeats Baliol at Roxburgh, but taken prisoner in the pursuit, 10. ransoms himself, 16. restored to the regency, 23. obtains possession of all the fortified places beyond the Forth except Perth and Cupar, *ib.* marches into England, and obtains great booty, *ib.* besieges Edinburgh and Stirling castles unsuccessfully—subdues Lothian, 24. dies at his estate in the north, 25

Moray, Thomas Dunbar, earl of, sent to repress disturbances in the north, *ii.* 65. taken prisoner at Homeldon, 70

Moray, Thomas Randolph, earl of, recovers Edinburgh castle, *i.* 421. defeats a detachment of English sent to relieve Stirling castle, 425. commands the left wing at Bannockburn, *ib.* enters England by the Solway, and wastes it as far as York, 431. invades England along with Douglas, 437. entrusted by Robert I. with management of public affairs, 444. appointed regent, *ii.* 1. ratifies the peace with England, *ib.* poisoned by an English monk, 3, and note

Moray, James, earl of, appointed deputy governor of the kingdom, *ii.* 303

Moray, James Stuart, brother to queen Mary, earl of, *ii.* 452. is tampered with by Bothwell to assist in the destruction of the Hamiltons—he indignantly refuses, 454. escapes the snares laid for him by Huntly, 455. proceeds to Hawick and puts the principal robbers to death, 457. the queen is prevailed upon by Huntly to concur in his murder, 459. he eludes all their attempts, *ib.* escapes further plots of Huntly, 460. defeats him in battle, 464. offends the queen by his contempt of Rizzio, 487. determines to retire from court, 468. accuses Bothwell of attempts against his life, *ib.* escapes another plot laid by the queen, 469. friendly to her marriage with Darnly, *ib.* appeases the nobles who wished

gems to involve him in the guilt of Darnly's murder, 491-2. refuses to sign the bond to defend the queen and Bothwell, 514. receives permission to travel, *ib.* returns home, 526. elected regent, 527. a strong party formed against him, 530. his firm conduct, 531. his confidence in the keepers of the queen, *ib.* his answer to the French ambassador, who demands an interview with her, 532. pursues the queen on her escape from Lochleven, 535. defeats her army at Langside, 536. prevents his troops from wreaking their vengeance on the defeated, *ib.* his generous conduct to the prisoners, 537. takes the castles of Hamilton and Draffan, 538. proceeds to Annandale, Nithsdale and Galloway against his opponents, *ib.* stopped in his progress by representations from Elizabeth, 540. who requires of him an account of his proceedings against Mary, and of his own conduct; *ib.* goes to York to meet the English commissioners, 541. his able defence, 542. sends Maitland to London, who betrays the cause entrusted to him, *ib.* goes thither himself, 544. his backwardness to accuse the queen, 545. proves her guilt, 546. freed by Mary's commissioners from all participation in the king's murder, 548. sets out on his return—refuses the escort offered him by Elizabeth, 553. arrives at Edinburgh, 554. his conduct in England approved by the nobles, *ib.* issues summonses to the nobles of the queen's party to swear fealty to the king, *ib.* Elizabeth's proposals respecting the exiled queen, and Mary's demands discussed in parliament, 560-6. arrests Maitland, accused of the king's murder, 567. sets out on expedition against the turbulent on the borders, 568. receives the thanks of Elizabeth for his conduct, with offers of assistance, 569. apprised of the conspiracy against him, *ib.* communicates it to Kirkaldy, who was strongly suspected to be one of the conspirators, *ib.* deserts the trial against Maitland, 569. sends the earl of Northumberland prisoner to Lochleven Castle, 570. sets out for Stirling, *ib.* arrives at Linlithgow, *ib.* advised there of the plot against him, and of his danger—disregards the information, 571. is shot from a balcony, *ib.* his death, 572. character, *ib.* distracted state of the country, 575. his brother demands that the assassin should be punished, 577. debates in parliament thereupon, *ib.*



at Dunblair, 179

Moray, earl of, appointed commissioner, vi. 238

Morton, James, earl of, attempts a reconciliation between the queen regent and the congregation, ii. 413. assists in the murder of Rizzio, 480. the murder of Darnly imputed to him by the queen, 492 & 4. joins in a confederacy to protect the infant king, 513. commands in the army against the queen—appointed one of the tutors of James VI. 525. takes the oath of allegiance to him, 527. accompanies the regent to England, 541. sent ambassador to England, 592. defeats the queen's party, and drives them into Edinburgh, 616. is made prisoner at Stirling, 620. delivers earl of Northumberland to Hunston, governor of Berwick, for a sum of money, 628. overrules the council with regard to peace with the queen's party, 630. elected regent, iii. 1. offers terms to Kirkaldy, 2. negotiates with Châtellerauld, 3. receives assistance from England to besiege the castle of Edinburgh, 5. which surrenders to the English, 6. condemns and executes Kirkaldy, ib. his energy in restoring internal tranquillity, 8. loses the affections of the people, and disgusts the nobles, ib. his conduct towards the church, 9. his proceedings against Athol and Argyll, 19. his neglect towards the king, and his governor, and tutors, 21. his resignation accepted, 23. assists in proclaiming the king's assumption of the government, 24. receives a full pardon, 25. retires to Lochleven, ib. meditates regaining his power, 27. invited by the king to attend a meeting of the nobles at Stirling—is made president, 29. obtains an act of indemnity, 30. reconciled to Argyll and Athol, 33. his unjustifiable proceedings against the Hamiltons, 33-5. hangs two ballad-mongers for publishing a satire upon him, 35. resolves to bring the king to Edinburgh, 36. his insinuations against Lennox, 37. meditates a retreat from court—applies to Elizabeth, ib. Lennox and Stuart determine on his destruction, 41. Stuart accuses him before the council of the murder of the king's father, ib. his answer—Stuart's reply, ib. committed to Edinburgh castle—to Dunbarton, 47. Elizabeth intercedes for him without effect, ib. brought to Edinburgh—tried—convicted, 44. his confession, 45-6, and note. his resignation, 47. Arran's cold-hearted conduct to him, ib. his execution, ib. his character, 48

less, queen to James V. ii. 315

Munro, sir Robert, of Fowlis, his answer to earl Seaforth, vi. 241. falls at the battle of Falkirk, 408

Munro, his severity against the king's party in the north, iii. 542. imposes the covenant on the disaffected, 543, and note. pillages the country, 544. consequences of his conduct, ib. joins the army in England, 566. joins Hamilton, iv. 316. recalled, 327. surprises Argyll at Stirling, 328. nobles refuse to join him, ib.

Murray, lord George, joins prince Charles, vi. 453. his appointment of lieut. general gives offence, ib. defeats a part of the king's army at Clifton, 485. occupies Falkirk, 492. seizes the forage, &c. of the royal army, 493. surprises the royal posts in Athol, 512. summons Blair castle, 515. retires from before it, 522. suggests a surprise of the royal army, 526. its failure, 529. commands the right at Culloiden, 531. earnestly desires Charles again to head the army, 536. requests him not to leave Scotland, 540. attainted, 562

Murray, Andrew, of Tullibardin, points out the fords of the Earn to E. Baliol, ii. 3. taken and put to death, 9

Mutiny act, origin of, v. 296

## N

Nairne, lord, joins the earl of Mar, vi. 196. surrenders at Preston, 252. impeached for high treason, 270. pleads guilty, ib. pardoned, 271. joins prince Charles, 452. commands in the battle of Prestonpans, 469

Nantz, edict of, revoked, v. 233. dreadful effects of it, 234-5

Naseby, battle of, iv. 208

Nelson of Cornock put to the torture, iv. 529. his firmness under it, 530

New style introduced, 508, note

Ninians (St.) magazine in the church of, blown up, vi. 504

Nithsdale, earl of, joins the earl of Mar, vi. 195. surrenders at Preston, 252. impeached for high treason, 270. escapes from punishment, 271. App. No. 1

Norfolk, Thomas duke of, his negotiations for a marriage with Mary queen of Scots, ii. 541. meets as a commissioner from Elizabeth with regent Moray at York, ib. sketch of his life and character, 562. his plot discovered—committed to the Tower, 566

Northumberland, earl of, taken prison-

er by earl of Moray, ii. 569. imprisoned in Lochleven castle, 570. delivered to the English by Morton for a sum of money, 628. carried to York and executed as a rebel, *ib.*

Nova-Scotia, knights of, their first institution, iii. 535

## O

Ochiltree, lord, falsely accuses marquis of Hamilton of a design to usurp the crown, iii. 382. condemned to perpetual imprisonment, 393

Octavians, their appointment, duties and powers, iii. 212. determine to silence ministerial reprehensions, 222. suspected as the authors of the king's harsh measures, 224. resign their commission, 235. attempt to re-establish them, 335

Ogilvie, a jesuit, apprehended at Glasgow, iii. 341. his honourable and resolute conduct on his trial, *ib.* condemned and executed, 342

Ogilvy, Alexander, and Alexander Lindsay, quarrel between, ii. 136. a battle ensues, *ib.* Ogilvy dies of his wounds, 137

Orcades, or Orkney Islands, origin, manners and habits of the inhabitants, i. 56-58. description of the islands, 59-61

Orkney, earl of, cousin to James VI. deprived of his estate and revenues, iii. 336. intreats his natural son to take up arms to obtain his right, *ib.* is condemned and executed, *ib.*

Ormond, earl of, defeats the English at Sark, vi. 144-5, and note. rebels, taken prisoner and put to death, 160

Ormond, duke of, joins the pretender in France, vi. 183. accompanies the expedition from Cadiz against Scotland, 289

Otterburn, battle of, ii. 55-60.

## P

Painter, John, his ridiculous request to suffer instead of Lovat, vi. 580, note

Palladius, sent by pope Celestine into Scotland, i. 228, and note. first who created bishops there, 229. his remains worshipped, see note

Parma, duke of, his intrigues with the Scottish nobles, iii. 166-7

Patterson, William, plans the settlement at Darien, v. 445 see *App* 1, 7, 8

Penrith burnt by Archibald Douglas, ii. 79

Pentland, covenanters defeated at, iv. 526. all forfeitures since the rising at repealed, v. 690

Percy, Henry, attacks the Scots under Douglas, ii. 57. made prisoner and carried to Scotland, 59. released, 60. joins the earl of March and invades Scotland, 68. defeated at Linton, *ib.* defeats earl Douglas at Homeldon, 70. enters Scotland,—besieges Cocklaw,—recalled on account of the civil wars, he raises the siege, 71. takes part against Henry IV. 72. is killed, 73

Persons holding public offices to lose their situations, if present at conventicles, where the book of common prayer was not used, vi. 126

Perth, earl of, commands in the Highland Host, v. 62. justice general, 142. keeps up the pardon of Hume of Hume, 144. dismissed by the council, 284. seized in attempting to escape to France, 290

Perth, duke of, joins prince Charles, vi. 453. appointed lieutenant-general of the forces, *ib.* commands a column at the battle of Falkirk, 495. surprises lord Loudon, 512. escapes on board a French ship—dies at sea, 560. his estate forfeited, 599

Perth taken from E. Baliol, ii. 8. Knox preaches there, 404. effects of his sermon—the Carthusian monastery destroyed and the other convents pillaged, 405. taken by the reformers, 412. by Montrose, iv. 159

Philip II. king of Spain prepares to invade England, iii. 157. endeavours to gain James to his cause, 158. sends priests and jesuits to tamper with the nobles, *ib.* sends money to popish lords, 206

Picts, discussion concerning their origin and name, i. 87. their various wars with the Scots, Britons and Romans, 114, 156, 157, 204, 205, 209. join the Scots in intreating Fergus to return, 210. join them against the Romans and Britons, 224. driven beyond the wall of Hadrian, 227. make a treaty with the Saxons, 231. break it and join the Scots and Britons, 235. join Egfrid, king of Northumberland, in invading Scotland, but desert in the battle, 256. attacked by Egfrid, they completely defeat him, *ib.* at war with the Scots, 265. defeat them—kill Alpin their king, and expose his head upon a pole, 266. call the English to their assistance, *ib.* deserted by them—defeated by Kenneth II. 268. make fruitless attempts to obtain peace, 269. again defeated—their king slain, and the nation completely subdued, 269-71. (see note, 268.)

they pass over to Denmark and Norway, *ib.* prevail with the Danes to invade Scotland, 279

—Pigmies, island of, so called from the reported diminutive stature of its inhabitants, i. 52

Plague desolates the whole of Europe, from which the Scots and Picts escape, i. 255. Scotland visited by, ii. 37. rages in Edinburgh, iii. 92. Scotland again visited by it, 392

Polity, book of, iii. 49

Pont, bishop of Caithness, opposes the prelates sitting in parliament, iii. 161

Pope burnt in effigy at Edinburgh, v. 113. consequences, 115, and note

Porterfield of Douchal, tried and executed, v. 178-9.

Porteous riot, origin of, vi. 396. he fires on the mob at the execution of Wilson, 398. committed to jail, *ib.* convicted, *ib.* respited, 399. forcibly taken from prison and hanged by the mob, 400. reward offered for the perpetrators without effect, 401. proceedings of parliament, 402. fine imposed on Edinburgh, 404. concealing those guilty of his murder made a capital crime, *ib.*

Presbyterial and parochial libraries instituted in the highlands, vi. 23. the same in each presbytery in Scotland, 89

Presbytery established by law, iii. 182. confirmed, v. 387

Preston, battle of, v. 240. the rebels surrender, 251

Prestonpans, battle of, vi. 469-70

Protestants, massacre of in France, ii. 628. fills the Scots with rage and indignation—annihilates the influence of the French, and ruins the cause of queen Mary, 629. massacre of in Ireland, iv. 42

Provost of Edinburgh, salary first paid to, v. 3, note. the office limited to two years, 14

Public revenue at the union, v. App. 30

Puritans, why so styled, their history and opinions, iii. 283. a conference with the church party, 286. the king's decision against them, 287. enjoined to conform to the established church, 289

## Q

Queensberry, marquis of, appointed treasurer, v. 142. his rapacity, 178

Queensberry, duke, appointed com-

moner, *v.* 178. unsees the parliament, 500. appointed commissioner by Q. Anne, 515. retires, 541. again appointed to carry the union through parliament, 571. his speech on proroguing the last parliament in Scotland, vi. 14. created a British duke, 15

## R

Raleigh, sir Walter, brought to trial—reprieved, iii. 281. executed, 282. *see* note

Ramsay, Alexander, joins Randolph the regent, ii. 21. relieves Dunbar castle, 24. ravages Northumberland, 27. defeats the English and takes Roxburgh town and castle, 28. made governor of Roxburgh and sheriff of Teviotdale, 29. is surprised by Douglas of Liddisdale, wounded, and carried to the Hermitage and starved to death, *ib.*

Ramsay, Alexander, surprises and takes castle of Berwick, ii. 42

Ramsay, sir Andrew, provost of Edinburgh, forced to give up his office, v. 15

Ramsay, William, of Dalhousie, burns Norham and defeats the English, ii. 34

Randolph, John, appointed one of the regents, ii. 19. takes David Cumin, earl of Argyle, *ib.* interrupts a body of Flemings coming to join Edward III. 21. defeats them at Boroughmuir, *ib.* and note. escorting Philip Valois to the borders is taken in an ambush, *ib.* retakes his castle of Lochmaben, 23. killed at the battle of Durham, 28

Randolph, Thomas, sent by queen Elizabeth to attend the Scottish parliament while choosing a regent, ii. 575. his address expository of his sovereign's desire for the peace of Scotland, 576

Rebellion, 1715, occasioned by the first acts of Geo. I. vi. 179. preparations in the north for it, 187. in the south, 188. proceedings of the British parliament, 190. preparations in England to resist any invasion, *ib.* at Edinburgh, 191. associations for the defence of religion and liberty, *ib.* their offers of service declined, 193. associations in the south. *ib.* earl of Mar arrives in Fife, 195. nobility who joined him, 196. Mar raises the standard of the Stuarts at Castleton, 198. failure of an attempt to surprise Edinburgh castle, 200. re-

rebels publish their manifesto at Dumblane, 202. take possession of Perth, 206. supplies for the royalists in the north seized at Burntisland, 207. royal forces assemble at Stirling, *ib.* reinforced from Glasgow, 208. and from the western counties, 209. loyalty of the southern counties, 210. attempt to seize the town guard of Edinburgh defeated, 211. a party of the rebels land at Aberlady, &c. 214. take possession of Leith, 215. retire to Seaton house, 217. march to the borders, 220. lord Kenmure appointed to the command in the south, *ib.* places of rendezvous appointed, *ib.* the pretender proclaimed at Hawick and Jedburgh, 223. causes of the rising in England, 224. the pretender proclaimed at Warkworth, 225. the English join lord Kenmure at Rothbury, 226. proceed to Kelso, *ib.* joined by the highlanders, 227. proclaim the pretender, 228. distraction in their councils, *ib.* highlanders refuse to advance into England, 229. rebels advance into England, 231. proceedings in the north, 232. Macgregors seize the boats on Lochlomond, which are retaken by lord Islay, *ib.* they join the earl of Mar, 233. battle of Sheriffmuir, 235. Inverness surprised, 240. gallant behaviour of Mrs. Forbes of Culjoden, *ib.* of sir Robert Munroe, 241. Inverness retaken, 242. earl Seaforth defeated at Gilchrist moor and submits to government, 243. rebels in the south enter Lancashire, *ib.* their numbers decrease, 244. they enter Lancaster, *ib.* arrive at Preston, 245. proclaim the pretender, 246. attacked by general Wills, 247. their obstinate defence, 248. surrounded by the king's forces, 249. surrender unconditionally, 251. treatment of the prisoners, 253. state of affairs in the north,—Fife freed from the rebels, 256. the chevalier lands at Peterhead—proclaimed at Peteress, 257. arrives at Perth, 259. mock preparations for defence, 261. orders issued for burning Auchterarder, &c. *ib.* carried into execution, 262. the rebels evacuate Perth and proceed northwards pursued by Argyle, 264. the chevalier escapes to France, 265. the rebels pursue the best means for their own safety, 266. Lewis and Skye reduced, 268. termination of the rebellion, punishment of the leaders, &c. 269. the clans disarmed, 317-21

Rebellion 1745, battle of Fontenoy, the immediate cause of it, *vi.* 438. the nobility averse to the prince's landing in Scotland, 439. he lands at Eriska, 440.

at Boradale, 442. the standard of rebellion raised at Glenfinnan, and manifesto published, 446. reward for his apprehension—his retaliation, 447. sir J. Cope proceeds to the north, 448. the rebels march to the south, 451. the pretender proclaimed at Dunkeld and Perth, *ib.* the king's forces retreat before them, 454. they arrive in the vicinity of Edinburgh, *ib.* distraction of the city, *ib.* Lochiel enters it by surprise, 460. prince Charles takes possession of Holyroodhouse, 461. James III. and VIII. proclaimed, *ib.* sir J. Cope lands at Dunbar from the north, *ib.* marches to Haddington, 465. to Tranent, 466. the rebels advance to meet him, *ib.* battle of Prestonpans, 469-70. arrival of military stores in the north from France, 475. the rebels advance towards England, 478. take Carlisle, 479. advance to Derby, 482. retreat, 483. duke of Cumberland takes Carlisle, 486. rebels reach Glasgow, 488. proceedings in the north, 489. battle of Falkirk, 495-7. dissensions in the prince's army, 498. unsuccessful attempt on Stirling castle, 500. duke of Cumberland arrives, 501. prince Charles resolves to give him battle—remonstrance of his chiefs, 502. marches for Inverness, 504. royal army at Perth—their excesses, 505. it advances northward, 506. Hessians garrison Perth, 507. the rebels enter Inverness, the royal troops retiring, 510. take Fort George and Fort Augustus, 511. receive supplies from France, *ib.* surprise the posts in Athol, 512. unsuccessful attempt on Blair castle, 514. on Fort William, 517. the rebels surprise a detachment of the king's forces at Keith, 519. the Hazard sloop of war, with supplies from France, driven on shore, and the treasure seized by lord Reay, 521. another vessel seized at Stromness, *ib.* the royal army crosses the Spey, 523. unsuccessful attempt to surprise it at Nairn, 526-9. battle of Culloden, 532. rebel army disperse—royal army take Inverness, 537. supplies arrive from France, 540. chiefs resolve on another attempt, 541. they relinquish their design, *ib.* excesses of the royal army in disarming the rebels, 547. proceedings against the rebels, 561. trials at London—affecting case of James Dawson, 562. trials at Carlisle, 569. at York, 571. bill of amnesty, 586. proceedings at Edinburgh against those exempted from it, 597. conduct of the court of session regarding the forfeited estates considered partial, 596

Records of the affairs of the kingdom

first ordered by Eugenius VII to be kept in monasteries, i. 257

Reformation, dawn of in Scotland—Patrick Hamilton burnt at St. Andrews, ii. 297. persecution on account of it, 317. clergy strenuously oppose the reading of the scriptures, 319. Walter Mill burnt at St. Andrews, 397. its progress—the nobles countenance it, 398. the reformers assume the name of congregation, and enter into a bond to adhere to each other, *ib.* the queen regent requested to agree to their demands, 399. the priests indignant at them, propose other terms which are refused, *ib.* the haughty demeanour of the papistical clergy, 400. Perth declares for the reformers—the monasteries pillaged and destroyed, 404-5. Cupar in Fife follows the example, 405. Crail and St. Andrews do the same, 409. see CONGREGATION

Relief presbytery formed, vi. 613

Remonstrants, their declaration, iv. 410-12

Renwick, James, apprehended, tried, executed, v. 259

Representatives for counties first introduced into the Scottish parliament, iii. 153

Revolution 1688, causes and progress of the, in Scotland, v. 278. privy council declares for William, 284. state of Edinburgh, 285. the mob take possession of the palace, 287. spoil the houses of the papists, 288. character of the principals of the leading parties, 297. a convention of estates called—duke Hamilton chosen president, 299. its answer to king William's letter, 306. declares the throne vacant, 309. offered to William and Mary, 312. they are proclaimed, *ib.* the grievances demanded to be redressed, 312. the oath administered to them, 314. state of the country, 329. convention constituted a parliament, 333. a regular opposition formed, *ib.* plot for a counter revolution, 373. defeated by the concessions of government, 380

Riot act, occasion of it, vi. 187

Rizzio, David, his mean extraction—arrives in Scotland, ii. 466. performs in the queen's band—made secretary, 467. the obsequious adulation of the nobility to him—despised by Moray—ingratiates himself with Darnly—sows the seeds of discord between him and Moray, *ib.* his influence over the queen—advises her to dismiss the guards and bring in foreigners, 470. appointed to affix the

king's signature with a stamp to public deeds, 475, and note. admitted to the queen's table, which gives universal offence, 476-7. thwarted in his wish to be raised to the peerage, 477. his arrogance in reproving the queen in presence of the nobles, 479. uses his influence to have the exiled lords condemned, *ib.* is killed by Darnly and his associates, 481. interred among the royal family, 483

Robert I. see BRUCE

Robert II. (first of the Stuarts) succeeds David II. ii. 39, and note. marries Elizabeth More, 41, see also 42, note. his nobles make war with England without consulting him, 52. makes his second son governor of the kingdom, 61. consents to peace with England, 62. dies, *ib.*

Robert III. succeeds his father Robert II. ii. 64. war with England, 68. learning the murder of his son, retires to Bute, 74. sends his youngest son James to France for safety, *ib.* hearing of his capture by the English, dies of grief, 76, and note

Robert, earl of Fife, second son to Robert II. levies an army, ii. 92. which enters England in two directions, 54. is made governor of the kingdom, 61. marches to England—spoils the country, *ib.* continued governor under Robert III. 64. created duke of Albany, 67. see ALBANY

Roman catholics, bill for their relief, vi. 638. proceedings of the general assembly, 639. of the synods, 640. riots in Edinburgh, *ib.*

Romans leave Britain, i. 220

Ross, Donald, earl of, lord of the isles, joins earl Douglas in his rebellion, ii. 160. submits to the king, 162. joins him at the siege of Roxburgh-castle, 165. proclaims himself king of the isles, 185. lays waste Athol, *ib.* returning with his spoil to the Æbudæ, his fleet shattered and dispersed, 186

Roths, earl, opposes the act respecting clerical habits, ii. 399. protests against dissolving the assembly, 482. invites Leslie to assist in defence of his country, 493. his death, iv. 20

Roths, earl of, appointed president of the council, iv. 471, his arguments against the presbyterians, 491. commissioner, 506. his proceedings against the covenanters, 530-2. removed from office, 537. excommunicated at Torwood, v. 110. commissioner to general assembly, vi. 184

Roxburgh, created duke, vi. 15

Roxburgh castle taken by James Douglas, i. 420. by sir Andrew Ramsay, ii. 28. by king James II. and demolished, 166-7

Roy, Rob, anecdote of, vi. 33, note. refuses to assist Mar at Sheriffmuir, 238, note

Ruling elders, a constitutional part of the general assembly, iii. 473

Rumbold ———, executed for his concern in Argyle's invasion, v. 226

Rump parliament dissolved, iv. 464

Rupert, prince, appointed to command in the royal army, iv. 97. his cruelty at Bolton, 145. defeated at Marston-moor, 146-8, note. surrenders Bristol—the king recalls his commission and allows him to leave the country, 210

Ruthven, raid of, iii. 60

Ruthven, Patrick, lord, provost of Perth, ordered by the queen regent to suppress innovations in religion,—his spirited reply, ii. 403. deprived of his office, 407. restored by the reformers, 412. assists in the murder of Rizzio, 481. his language to the queen on the occasion, 482

Rye-house plot, v. 158. participation of the Scottish nobles in it, 159

## S

Sacheverel, Dr. his famous sermon before the lord mayor of London, vi. 95. impeached for high crimes and misdemeanours for it, 97. his sentence, 98. his popularity in consequence, ib.

Sandilands, sir James, sent by the lords of the congregation to France, ii. 434. dismissed without an answer, 435

Sanquhar, lord, hanged for the murder of Turner, a fencing-master, iii. 338

Sark, battle of, ii. 145-6. see note 145

Saxons called to aid the Britons against the Scots and Picts, i. 114. murder the nobles and divide the country into seven kingdoms, 115. their various wars, 230-8. defeated and compelled to pay tribute to the Britons, ib. London their capital taken, 239. completely subdued, ib. again obtain power in England, 247. instigate the Picts to plunder the Scottish territories, ib. defeat the Britons and Scots, 248. defeated by them, ib. again defeat the Scots, 249. defeated by the Scots, 250

Scoone, inaugural chair carried away from, by Edward I. i. 411

Scot, John, extraordinary story of his abstinence from food, ii. 304

Scot, William, a ballad-monger hanged for a satire upon Morton, iii. 35

Scotland, situation, extent and division of, i. 20-38. discussion concerning its ancient history, and origin of its inhabitants, 64-129. traditions by bards and senachies no authority, 65. accounts by more recent writers quite fabulous and discordant, 67. story of Brutus being the author of the name and nation, the invention of a monk, 72. a complete forgery, 74. story of Gathelus equally fabulous, 76-8. Gauls first planted colonies in, 82-3. extracts from Cæsar's commentaries, 130. Tacitus, 132. Cicero, 139. Paulus Orosius, 140. Solinus, ib. Herodian, 141. Ammianus Marcellinus, 142. Dion, 143. Bede, 145. Gildas, 148. state of previous to and at the accession of James to the English throne, iii. 279. effects of his accession on the metropolis and the country, ib. and the church, 281. yearly value of some of the estates forfeited in 1715, vi. App. 11. memorial on state of the highlands, 1746, ib. 18

Scots came first from Ireland, i. 84. harassing the Britons, repressed by the Saxons, 114. derivation of the name, 154, note. make Fergus king, 156. ordered by the Romans to quit Britain, 205. flee to the Æbudæ, Ireland, &c. 206. return under Fergus, 213. confined between the two firths, 219. effect a breach in the wall of Hadrian, 220. force the Britons to leave their cities and villages, ib. driven beyond the wall of Hadrian, 227. expel the Picts, 269-71

Scott, Walter of Buccleugh, attempting to rescue king James V. from the Douglas party, is wounded and defeated, ii. 293. imprisoned, 302. released, 304. found guilty of high treason and imprisoned during the king's life, 311. his conduct at the battle of Ancrum, 347

Scott, Walter, of Buccleugh and Ker of Fernihurst enter England and waste the country on the borders, ii. 594

Scottish Parliament, ancient constitution of, iii. 153 and note. history of the, 154. important change in its constitution, 540. first dissolved by proclamation, v. 17. the last held, 524. dissolved vi. 15

Scottish peers, created British since the union, have no right to vote in a Scottish election, vi. 81. new plan respecting the representation, 291, and note

Scrimiger, or Scrimgeour, origin of the name of, i. 343

Seaforth, earl of, joins Mar, at Perth, vi. 241. returns to the north, 243. defeated at Gilchrist-moor, ib. submits to



government, 243, again takes up arms—flees to the north, 267. escapes to France, *ib.* lands at Kintail, 289. wounded, 290. endeavours to effect his reconciliation with government, 294. his regiment mutinies—reduced to obedience, *vi.* 637

Secession from the church of Scotland:—causes of it, *vi.* 368, 373. the violent settlement at Kinross, 376. proceedings against Mr. Eb. Erskine, 378. attempts of the assembly to reconciliation, ineffectual, 406-8. the seceders finally deposed, 409. differ respecting the Burgess oath, 590. Relief presbytery formed, 613

Secret service money distributed for promoting the union, *v.* *App.* 30

Semple, col. an agent of the duke of Parma, arrives at Leith, *iii.* 163. his designs detected—escapes, *ib.*

Senachies, their traditions not accurate, *i.* 66, note

Septennial parliament, bill for, passed, *vi.* 279

Seton, sir Alexander, killed in opposing the landing of E. Baliol at Kinghorn, *ii.* 6, and note

Seton, sir Alex. governor of Berwick, *ii.* 10. his brave defence of it, 12. agrees to surrender if not relieved on a certain day, *ib.* the Scots appearing previously, is summoned to surrender instantly on pain of his sons, then in Edward's hands, being put to death, *ib.* persuaded by his wife, he refuses—they are executed in front of the wall, 13. surrenders the town, 14. obliged to swear fealty to Edward, *ib.*

Severus comes to Britain, *i.* 187. conquers Scotland, and erects a wall between Forth and Clyde as the boundary of his empire, 188

Sevez, William, cause of his malice against, and persecution of Patrick Graham, *ii.* 198. appointed archbishop of St. Andrews by the pope, 200

Sharpe, archbishop, proposes the introduction of the court of high commission, *iv.* 515. president of the council, 523. removed from it, 537. shot at by James Mitchell, 540. his conduct disgusts the bishops, *v.* 39. supported by the king—maintains his superiority, 42. apprehends Mitchell, 54. his conduct on his trial, 58. his murder on Magnus Moor, 79. his character, 80. disbelief in his being thus put to death constituting murder, considered treason, 113.

Sheriff-deputes appointed, *vi.* 584

Sheriff-muir, battle of, *vi.* 237

VOL VI.

Shetland isles, description of—manners, &c. of inhabitants, *i.* 62-3

Simpson, professor, of Glasgow, his unsound doctrines, *vi.* 332. suspended, 338. dismissed the divinity chair, 436

Society-men, their aversion to the union, *vi.* 24. elect John Macmillan their pastor, 25. renew the covenants at Auchinsburgh, 137. their proceedings in the rebellion 1715, 282

Society for propagating christian knowledge in the highlands and islands, &c. *vi.* 88. charity schools and catechists appointed, 136

Somerled, thane of Argyle—his unsuccessful attempts to obtain the crown, *i.* 359-64. his son takes up arms—is defeated—surrenders to the king, and is pardoned, 377

Somerset, earl of, his influence over James VI. reprobated by prince Henry, *iii.* 339. suspected of poisoning him, *ib.*

Somerset, duke of, his motion respecting a new arrangement with regard to the Scottish peers of parliament, *vi.* 291

Spaniards, a colony of, arrive in Ireland, *i.* 150. pass over to the neighbouring islands, 154. land at Kintail, *vi.* 289. surrender, 290

Spotswood, archbishop of Glasgow, his representations against earl of Dunfermline, *iii.* 307. made a lord of session, 329. empowered to hold courts of high commission, *ib.* consecrated anew by the English bishops, 333. translated to St. Andrews, 342. made chancellor, 411. remonstrates against the book of common prayer, without effect, 416. concurs in enforcing it, *ib.* issues an order for using it, *ib.* narrowly escapes the fury of the mob, 419. resides at Newcastle—the king's letter to him, 521. his death and character, 534, 5

Sprot, a notary at Eyemouth, condemned on his own confession for concern in the Gowrie conspiracy, and executed, *iii.* 262. doubts as to the truth of his confession, 263

St. Andrews, university of, founded, *ii.* 79

St. George, chevalier de, see JAMES, son of James VII.

St. Kentigern, or St. Mungo, *i.* 229, and note

St. Ninian, of a noble family in Galloway, *i.* 230, note

St. Patrick, his birth, &c. *i.* 229, note

St. Servanus, or saint Serf, *i.* 229, and note

Stair, earl of, Fletcher's cutting reply to, v. 554. communicates information of the intended rebellion, 1715, vi. 189. sent with an army to the Netherlands, 421. battle of Dettingen—he retires from the command, 428, note. appointed commander in chief, 432

Stair, master of, blames of the massacre of Glenco fixed upon him, v. 435.

Star-chamber, instances of the horrid cruelty of its sentences, iv. 2—8. confirm the Scots in their detestation of episcopacy, 8

Stewart, origin of the family of, i. 342, and note

Stewart, the regent, takes Perth, ii. 26. takes Stirling, ib.

Stewart, Thomas, earl of Angus, takes Berwick, ii. 35. the English approaching, he plunders, burns it and retires, ib.

Stewart, sir William, tampered with by Gray to join in his conspiracy against Thirlstane—informs the king of it—adheres to his communication before the council, iii. 148. charges Gray with his base conduct, 149. takes Lochmaben castle, 161. overtakes lord Maxwell, and makes him prisoner, ib. is killed by earl Bothwell, ib.

Stewart, James, lord provost of Edinburgh, his conduct in defending the city, vi. 456. negotiates with prince Charles, 459. committed to the Tower, 587. his trial and acquittal, 588. a printer punished for publishing a poem on the occasion, ib.

Stirling castle seized by Angus, Mar and Glamis, iii. 80. they flee—it surrenders to Livingston, ib.

Strozzi arrives with a French force, besieges the castle of St. Andrews held by Norman Leslie, ii. 363. it surrenders to him, 364. sails for France with the prisoners and booty, ib.

Stuart, Andrew, of Ochiltree, protests against Mary's marriage with Darnly, ii. 489

Stuart, Esmé, lord d'Aubigné, arrives in Scotland, iii. 35. is created earl of Lennox, 36. see LENNOX

Stuart, James, brother to queen Mary, defeats the English who had landed in Fife, ii. 373. a principal leader of the reform, 406. sent by the queen regent to treat with the lords of the congregation, ib. openly joins the congregation, 408. requires the queen regent to leave Perth, 411. his answers to her forged letters,

a commission from queen Mary to convene a parliament, 437. preserves tranquillity at home and abroad, 451. created earl of Mar, which is exchanged for Moray, 452. accused by Huntly of aspiring to the crown, 453. see MORAY.

Stuart, James, son of lord Ochiltree, his abandoned character—highly in favour with the king, iii. 36. accompanies him to Edinburgh, 37. accuses Morton before the privy council of his concern in the murder of Darnly, 41. created earl of Arran, 43. conveys Morton from Dunbarton to Edinburgh, 44. his cruel interruption of him when going to execution, 47. acknowledges his infamous practices in obtaining evidence against him, and obtains the approbation of the king and council, 53. marries countess of March, ib. confirmed in his title, ib. see ARRAN.

Stuart, sir James, of Goodtrees, appointed lord advocate, vi. 114

Stuart, Robert, appointed regent in conjunction with John Randolph, ii. 19.

Stuart, colonel William, apprehends Morton at Dundee, iii. 80. takes Douglas and Cunningham prisoners, 89. accused by the exiled lords as a chief corrupter of the king, 97. dismissed as captain of the guard, 99

Strachan, colonel, invited to command in the western association, iv. 408. refuses to attack Lambert—lays down his command, 415. joins the English, 418

Strafford, earl of, his treatment of the gentlemen of York, iii. 557. orders the inhabitants to remove every thing which could be of use to the covenanters, 561. procures the condemnation of lords Whar-ton and Howard for presenting petitions to the king, 562. their execution stopped at the instance of Hamilton, 563. advises the king to persist in the war, 564. impeached by the house of commons, iv. 10. brought to trial, 16. attainder passed against him, 17

Surrey, earl of, appointed regent of Scotland, i. 400

Surrey, earl of, invades Scotland, ii. 282. takes Jedburgh, 283. his army panic-struck, is disbanded, ib.

## T

Tables, committees of the reformers, so called, appointed, iii. 432. sanctioned by the council, 433. negotiate with Ha-



Hamilton, 465. resolve to call a free assembly, 466. agree to postpone it for a certain time, 467. their original demands granted, *ib.* which do not satisfy them—demand the complete restoration of presbytery, 468. the original covenant signed by James VI. proposed 469. they remonstrate against it—it is proclaimed by Hamilton, 470. protest against it—substance of the protest, 470-1. meet the proclamation wherever published by their protest, 481. require the noblemen, &c. who had signed the covenant, to meet at Glasgow, 476. their manifesto, 494. their wise and vigorous measures, 496 and note—explain their motives to the English—refuse foreign assistance, *ib.* their continued meetings assigned by the king as an excuse for not attending the general assembly, 518. their distrust of the king—retain the experienced officers, 540

Talbot enters Scotland by the Solway, is surprised, and his army completely defeated, *ii.* 43

Tea, use of in Scotland, a cause of deficiency in the revenue, *vi.* 422

Test oath imposed, *v.* 126. several of the nobles, &c. retire to the continent to evade taking it, 138

Thirlestane, lord, conspired against by Gray, *iii.* 148. accused of being accessory to Mary's death, 150. made chancellor, *ib.* seconds the sentiments of the king on the expected Spanish invasion, 162. his wise and prudent measures, 163. retires from court, 185. his death, 210. character, *ib.*

Tippermuir, battle of, *iv.* 159

Tithes voluntarily given for support of ministers—seized by the crown and bestowed on the nobles, *iii.* 387. they are forced to surrender them, 368

Toncetus, justice-general, killed by the people on account of his tyranny and cruelty, *i.* 244

Torture abolished, *vi.* 85

Traquair, earl of, appointed to conduct the trial of lord Balmerino, *iii.* 408. one of the jury, 409. represents his execution as not advisable, 410. advises to introduce the Service book in Scotland, 412. accused by Spotswood of absence from church when the liturgy was first to be read, 420. attempts relief of the bishop of Galloway, 430. his treatment by the mob, 431. delivered by the supplicating nobles, *ib.* writes to the lords petitioners to dissuade them from meeting—their answer, 433. his conference with them, 435. goes to London, 437. returns with secret instructions and a

proclamation condemning the proceedings of the reformers, 438. his attempts to overawe them fruitless, 439. publishes the proclamation prohibiting their meeting, *ib.* they protest against it, 440. appointed commissioner, 518. his instructions, 519. holds the assembly, 522. his conduct in it, displeases the king, 523. holds a parliament—prorogues it from time to time in hopes of further instructions, 527. receives orders to prorogue it—ashamed to do it in person, 528. goes to London, 529. his apologies accepted—advises his majesty to renew hostilities, *ib.* afraid to return as commissioner, 540. appointed to assist the English commissioners who were to treat with the covenanters, 567—rejected by the Scots, 568 excepted from the act of oblivion, *iv.* 19. his offers to submit to parliament without a trial, refused, 23. retained in his majesty's confidence, 58. leader of the ultras or royalists, 303

Trimmers, a term applied to those who endeavoured to please all parties, *iv.* 58-92

Tullibardine, marquis of, joins in the rebellion, 1715, *vi.* 196. joins Mar at Dunkeld, 206. escapes to France, 267. attainted, 270—lands at Kintail, 289. wounded, 290. accompanies prince Charles to Scotland, 440. raises the royal standard at Glenfinan, 446. entertains the prince at Blair of Athol, 452. surrenders and carried to London—dies in the Tower, 560

Turnbull, a schoolmaster, hanged for a satire on Morton, *iii.* 35

Turner, sir James, appointed commander in the west, *iv.* 514. his severity, 517. taken prisoner by some countrymen, 522. dismissed the service, 539

Turreff, Trot of, *iii.* 504

Tutors to minors, the ancient rights of, *ii.* 105

Tweeddale, Marquis of, dissenting from the privy council on the introduction of episcopacy, confined in his own seat, *iv.* 493-4

Tweeddale, marquis of, appointed commissioner, *v.* 541

Twine (Laurence) excommunicated, *ii.* 4, and note. flees to France, *ib.* induces E. Baliol to come to Scotland and assert his claim to the crown, 5

## U

Umphraville, earl of Angus, refuses to acknowledge Edward's superiority over

Scotland, without an indemnity, i. 393, note

Union with England proposed by James VI. iii. 282. commissioners appointed to treat of it, 291. the fears of the Scottish parliament and church respecting it, ib. opinion of the synod of Fife upon it, 292. commissioners chosen by the parliament—their powers, ib. and note. they meet—result of their conference, 294. project of, renewed without effect, 321.

Union Incorporating, proposed by the English parliament—commissioners sent to effect it, iv. 442, and note. general aversion of all classes to it, 443, and note. declared by Cromwell, 444. he issues an order for completing it, 445. provisions of the act highly favourable to Scotland, ib. few Scottishmen of rank returned to the parliament, ib.

Union with England again proposed, iv. 543. proves abortive, 554. recommended by king William, v. 482. by queen Anne, 517. commissioners appointed to complete it, ib. they meet, 520. debates in Scottish parliament regarding it, 553. act for it passes, 559. list of commissioners for carrying it into effect, 560-1, note. they meet—their debates on the different articles, 562. concluded, 569. the terms give universal dissatisfaction, 572. proceedings of parliament respecting it, 573. a serious riot in Edinburgh, 577. numerous petitions against it, 579. voted by parliament, 591. act of union, *App.* 12. state of public revenue, ib. 30. secret service money for promoting it, ib. articles and names of commissioners burned at Dumfries, vi. 4. Cunningham of Eskett's plot for preventing it, 5. bill passes the English parliament, 10. receives the royal assent, ib. proceedings in the Scottish parliament, 11-13. allowance to commissioners, 13. reimbursement to Darien company, ib. Scottish parliament dissolved, 15. honours conferred on the Scottish nobility, 15. commercial speculations, 16. proceedings of English parliament respecting them, ib. ships and cargoes arriving from Scotland, seized in the Thames, 17. increase of smuggling, 18. English excisemen introduced into Scotland, 19. first British parliament, 57. proceedings respecting the Scottish goods seized by the English, ib. privy council abolished, 58. eldest sons of Scottish peers not eligible to seats in the house of commons, 78, 9. Scottish, created British peers, not eligible to vote in a Scottish election, 81. extension of the malt tax

to Scotland likely to dissolve it, 145. conference between the Scottish peers and commons on the subject, 147. answer of the queen to their resolutions, 149. leave to bring in a bill for dissolving it refused by the house of lords, 150-1

Utrecht, treaty of, vi. 145

Uxbridge, negotiations at between Charles I. and his English and Scottish subjects, iv. 171-8

## V

Vortigern king of the Britons, drives the Scots and Picts beyond the wall of Hadrian, i. 227. deposed, 230

## W

Wade, general, commander-in-chief in Scotland, sends a detachment to suppress the riots in Glasgow, vi. 311. disarms the rebels, 317. commences the grand military road in the highlands—his precautionary measures to prevent a future rebellion, 324. completes the road between Fort Augustus and Ruthven, 357

Wallace, sir William, his descent, i. 400, and note. regent, 401. destroys the castles of Dundee, Forfar, Brechin, Montrose and Dunnoter, 402. defeats Cressingham at Stirling, 403, and note. his incursion into England, 404. incurs the envy of the nobles, ib. is met by Edward at Stanmore, who retreats without offering battle, 405. suspected of aspiring to the crown, ib. defeated at Falkirk, ib. his conference with Bruce, 406. disbands his army, and ceases to act as regent, 407. but continues to harass the enemy, 410. receives tempting offers from Edward, which he spurns—refuses to swear allegiance to him, ib. is betrayed into his hands, 413. carried to London—his trial—defence—sentence and execution, 414

Wallace, Mr. minister of St. Andrews, brought before the king—declines his authority, iii. 241. removed from his charge, ib.

Walpole, sir Robert, prime minister, vi. 342. becomes unpopular, 368. his endeavours to reform the customs abortive, 388. resigns, 416

Walsingham's embassy to Scotland, iii. 72. refuses to communicate with Arran—discovers the plots laid against queen Elizabeth, 116-17. his conduct on trial of queen Mary, 118-20. his consummate address in allaying the resentment of James, 146-8

Walter, son to Murdo the governor,

Warbeck, Peter, a pretender to the crown of England, comes to Scotland, ii. 229. encouraged by the king and nobles, 231-4. an army raised to support his claims, advances into England—but receiving no support, is disbanded, 234. demanded by Henry VII.—joins the Cornish who had rebelled against Henry, 237. is taken prisoner, and hanged, 238 and note

Welsh, Rev. John, confined in Blackness castle, iii. 298. declines the jurisdiction of the privy council, 300. tried at Linlithgow, ib. convicted, 302. banished to France, 303. the king refuses to allow him to return to Scotland, 314. comes to London—dies there, 315

Welsh, Mrs. her interview with king James, iii. 314, note

Western Islands, or Hebrides, description of, i. 38-53. plan for civilizing them, abortive, iii. 268. the scheme renewed without success, 310

Westminster assembly of divines called by the English parliament—its constitution, iv. 134. declared illegal by the king, ib. meets, ib. Scottish commissioners arrive—treated with great respect, ib. see note for account of its manner and proceeding—principles, tenets and views of the different classes composing it, 135. their directory for public worship presented to general assembly, 189. a debate on form of church government, 201. their definition of presbytery, 208.

Whig's Road, or Whiggamore Inroad, iv. 327, and note

Whisky, first distilled in Scotland, v. 501

Whitefield, George, assists at the communion at Cambuslang, vi. 418. proceedings of associate presbytery in consequence, 419

Widdrington, lord, joins in the rebellion 1715, vi. 225. surrenders at Preston, 232. impeached for high treason, 270. pleads guilty, ib. pardoned, 271

Widows of ministers fund first established, vi. 299. sanctioned by parliament, 433

William, Conqueror, makes war with Scotland, i. 341. his death, 360

William Rufus, surprises Alnwick, i. 345

William succeeds his brother Malcolm IV. i. 364. enters the English territory—

and note,—is released on delivering up Edinburgh, Berwick, Roxburgh, and Stirling castles, ib. does homage for his kingdom at York, 368. dispute concerning the supremacy of the archbishop of York over the Scottish bishops—decreed by the Pope in their favour, ib. insurrection in Galloway quelled—Edinburgh castle restored, ib. defeats Donald Bane in Moray, 369. the castles restored, and treaties extorted by Henry annulled by Richard, ib. defeats Harold, earl of Caithness—puts out his eyes and hangs him, ib. refuses to join the English in an expedition against France, 371. demolishes a fort erected by John opposite to Berwick, ib. peace between the two kingdoms effected by the nobles, ib. Bertha swept away by an inundation of the Tay, and his infant son drowned, ib. his death, 372. see note for his surname of "Lion."

William, prince of Orange, v. 262. refuses to agree to the abolition of the test, 263. his assurances to the protestants, ib. his preparations for invading England, 265. lands at Torbay, 267. advances to London, 269. conditions submitted by him to James VII. 270. invited to enter the capital, 272. James abdicates, 273. the crown settled on William and Mary, 277. he asserts his right to the Scottish throne, 291. calls a meeting of the leading Scotsmen in London, 293. their address to him, 294. calls a convention of the estates, ib. his letter to it, 301

William and Mary proclaimed at Edinburgh, v. 312. take the coronation oath, 314. the convention constituted a parliament, 332. the king refuses to sanction an act excluding the obnoxious members of the late government from places of trust, 339. attempts to introduce a general uniformity in the national churches of the two kingdoms, 341. his offensive measures respecting the formation of the court of session, 342. plot for a counter revolution, 373. acts repealing the king's supremacy, and restoring the ousted ministers, passed, 380. committee of articles abolished, ib. his opinion respecting the Scottish church, 381, note. his attempt to unite the presbyterians and episcopalians, fails, 400. massacre of Glencoe, 407. death of queen Mary, 433. plot for his assassination discovered, 433. proceedings of the Scottish parliament on the occasion, 455. he recommends a union of

the two kingdoms, 462. fermented state of Scotland, 490. declines being crowned at Holyroodhouse, 492. proceedings of parliament, 494. act against popery, 495. act for securing personal liberty, *ib.* his death, 511. character, 512.

Winton, earl of, joins the rebels, *vi.* 222. dissuades the highlanders from entering England, 229. afterward joins them, 232. surrenders at Preston, 252. impeached for high treason, 270. pleads guilty, 272. escapes, and dies in France, *ib.*

Wishart, George, apprehended and carried to St. Andrews, *ii.* 353. brought to trial, 355. Winram's sermon before the cardinal and judges, *ib.* is condemned, *ib.* sends for Winram, 356. administers the sacrament to the governor of the castle and friends, 357. led to execution—predicts the fate of the cardinal, who was witnessing it from the castle window, 358. his heroic death, *ib.*

Witchcraft, various prosecutions for, *iii.* 244. laws respecting, *iv.* 387, note. repealed, (1736) *vi.* 393

Wood, sir Andrew, his magnanimous conduct, *ii.* 222-3. defeats and takes the English fleet off Dunbar, 224. defeats Stephen Bull off the Isle of May, 227. appointed to go to France to solicit the duke of Albany to assume the government, 266. sent to save the life of earl Lennox at the battle of Linlithgow bridge, 294

Worcester, battle of, *iv.* 433.

Wotton, sir Edward, sent ambassador by Elizabeth to Scotland, *iii.* 93. his influence with the king, 94. his intrigues with Gray, Maitland, and Bellenden, for bringing back the exiled nobles, *ib.* his duplicity to the king and Danish ambassadors, 95. obtains the imprisonment of Arran, 96. forms a design of seizing the king, *ib.* it is discovered—he departs without taking leave, 97

## Y

York, duke of, arrives at Edinburgh, *v.* 104. covenanters protest against his succession, 107. excommunicated at Torwood, 110. the lords of the English parliament present a bill against him, 111. he returns to Scotland—takes an active share in the government, *ib.* pretended conspiracy against his life, *ib.* appointed commissioner, 122. holds a parliament, 123. finally leaves Scotland, 142, see JAMES VII

Year, commencement of, changed from March 25 to January 1, *iii.* 255

Yule, Christmas, celebration of, *i.* 239, note

## Z

Zouche, ambassador from England tampers with the discontented nobles, *iii.* 203

# CHRONOLOGICAL INDEX

TO THE

## KINGS OF SCOTLAND, AND OF GREAT BRITAIN,

*From the first establishment of the Monarchy, to the present time.*

	B.C.	Vol.	page		A. D.	Vol.	page
1 Fergus I.	330	i.	100	30 Eugenius I.	357	i.	208
2 Feritharus	305		159	Inter-regnum			
3 Mainus	290		160	Eugenius being killed in battle with the Romans, the Scots were, at the instigation of the Picts, banished the country, and remained scattered abroad till the return of Fergus from Scandinavia.			
4 Dornadilla	261		ib.	40 Fergus II.	404		213
5 Nothatus	233		161	41 Eugenius II.	420		219
6 Rotherus	213		162	42 Dongardus	452		228
7 Renth	187		164	43 Constantine I.	457		230
8 Thereus	170		ib.	44 Congallus I.	479		232
(Conan, regent)				45 Goranus	501		234
9 Josina	158		165	46 Eugenius III.	535		244
10 Finnanus	134		166	47 Convalius	558		ib.
11 Durstus	104		ib.	48 Kinnatellus	568		246
12 Evenus I.	95		167	49 Aidanus	569		246
13 Gillus	77		168	50 Kenneth I.	604		250
(Cadwallus, viceroy)				51 Eugenius IV.	603		251
14 Evenus II.	75		170	52 Ferchard I.	622		252
15 Ederus	58		171	53 Donald IV.	636		ib.
16 Evenus III.	10		173	54 Ferchard II.	650		254
17 Metellanus	3		ib.	55 Malduinus	668		ib.
18 Caratacus	27		ib.	56 Eugenius V.	688		255
19 Corbredus I.	47		174	57 Eugenius VI.	691		256
20 Dardanus	65		ib.	58 Amberkeleth	701		257
21 Corbredus II.	69		176	59 Eugenius VII.	702		ib.
22 Luctacus	104		179	60 Mordac	719		258
23 Mogaldus	107		180	61 Etfinus	734		ib.
24 Conarus	143		182	62 Eugenius VIII.	765		ib.
(Argadus, viceroy)				63 Fergus III.	768		259
25 Ethodius I.	157		185	64 Solvathius	771		ib.
26 Satrael	190		186	65 Achaius	791		ib.
27 Donald I.	194		187	66 Congallus II.	822		263
28 Ethodius II.	215		191	67 Dongallus	827		264
29 Athircus	235		192	68 Alpin	833		ib.
30 Nathalocus	246		193	69 Kenneth II.	836		266
31 Findochus	257		194	70 Donald V.	856		275
32 Donald II.	268		196	71 Constantine II.	861		278
33 Donald III.	269		ib.	72 Ethus	871		280
34 Crathilanthus	280		197	73 Gregory	877		281
35 Fincormachus	304		199				
36 Romachus	350		200				
37 Angusianus	353		ib.				
38 Fethelmachus	354		201				

75 Constantine III.	905	286
76 Malcolm I.	943	288
Constantine retired to the Cul-dee, in St. Andrews, in 938, when Malcolm was appointed regent. His reign, therefore, only began in 943, which limits it to 9 years, instead of 14, as in the text.		
77 Indulphus	952	289
78 Duff	961	291
79 Cullen	965	294
80 Kenneth III.	970	298
81 Constantine IV.	994	312
82 Grim	995	314
83 Malcolm II.	1004	316
84 Duncan I.	1034	326
85 Macbeth	1040	328
86 Malcolm III.	1057	336
87 Donald (Bane)	1093	347
88 Duncan II.	ib.	348
Donald was forced by Duncan to abdicate the throne after having possessed it for only six months; but having caused Duncan to be murdered, he again ascended it, and reigned for three years.		
89 Edgar	1098	349
90 Alexander I.	1107	ib.
91 David I.	1124	350
92 Malcolm IV.	1153	359
93 William	1165	365
94 Alexander II.	1214	373
95 Alexander III.	1249	378
Inter-regnum	1285	386
During the competition of Baliol and Bruce for the crown.		
96 John Baliol	1293	395
(Sir W. Wallace, regent) (John Cumyn, regent)		
97 Robert (Bruce) I.	1306	415

Thomas Randolph, earl of Moray, regent, poisoned by a Monk.  
Donald, earl of Mar, regent, killed at battle of Duplin.

99 E. Baliol	1332	8
On the entrance of Baliol, David was sent to France, and sir A. Moray chosen regent, who being taken by the English, Robert Stuart and John Randolph were appointed in his stead: but having returned, and Randolph at the time a prisoner in England, and Stuart sick, he was reinstated and died in 1357. The "Stewart" succeeded him in that office till the return of David in 1342.		
100 Robert II.	1370	39
101 Robert III.	1390	64
(Robert, duke of Albany, regent) (Murdo, his son, governor)		
102 James I.	1424	87
(Sir Alex. Livingstone, regent)		
103 James II.	1437	117
(Queen dowager, regent)		
104 James III.	1460	168
105 James IV.	1468	232
106 James V.	1513	262
(Queen dowager, regent) (John, duke of Albany, regent)		
107 Mary	1542	323
(Earl of Arran, regent) (Queen dowager, regent)		
108 Henry and Mary	1565	471
109 James VI.	1567	527
(James, earl of Moray, regent) (Earl of Lennox, regent) (Earl of Mar, regent) (Earl of Morton, regent)		

## KINGS OF GREAT BRITAIN.

	A. D. Vol. page		A. D. Vol. page
James VI. assumed the title as James I.	1604 iii. 295	William and Mary, Proclaimed at Edinburgh	1688 v. 217
Charles I.	1626 384		
Charles II.	1649 iv. 362	Anne	1701 514
Commonwealth, 1649—59		George I.	1714 vi. 168
Charles II. restored	1660 469	George II.	1727 342
James VII. and II.	1684 v. 190	George III.	1760 626

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## APPENDIX.

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### No. I.

#### *Letter from the Countess of Nithsdale to her Sister the Countess of Traquair.*

MY LORD'S escape is now such an old story, that I have almost forgotten it ; but since you desire me to give you a circumstantial account of it, I will endeavour to recal it to my memory, and be as exact in the narration as I possibly can ; for I owe you too many obligations to refuse you any thing that lies in my power to do.

I think I owe myself the justice to set out with the motives which influenced me to undertake so hazardous an attempt, which I despaired of thoroughly accomplishing, foreseeing a thousand obstacles which never could be surmounted, but by the most particular interposition of divine providence. I confided in the Almighty God, and trusted that he would not abandon me, even when all human succours failed me.

I first came to London upon hearing that my lord was committed to the Tower. I was at the same time informed that he had expressed the greatest anxiety to see me, having, as he afterwards told me, nobody to console him till I arrived. I rode to Newcastle, and from thence took the stage to York. When I arrived there the snow was so deep that the stage could not set out for London. The season was so severe, and the roads so extremely bad, that the post itself was stopt. However, I took horses and rode to London through the snow, which was generally above the horse's girth, and arrived safe and sound without any accident.

On my arrival I went immediately to make what interest I could among those who were in place. No one gave me any hopes, but all,

to the contrary, assured me, that although some of the prisoners were to be pardoned, yet my lord would certainly not be of the number. When I inquired into the reason of this distinction, I could obtain no other answer than that they would not flatter me ; but I soon perceived the reasons which they declined alleging to me. A Roman Catholic upon the frontiers of Scotland, who headed a very considerable party, a man whose family had always signalised itself by its loyalty to the royal house of Stuart, and who was the only support of the Catholics against the inveteracy of the whigs, who were very numerous in that part of Scotland, would become an agreeable sacrifice to the opposite party. They still retained a lively remembrance of his grandfather, who defended his own castle of Calaverock to the very last extremity, and surrendered it up only by the express command of his royal master. Now, having his grandson in their power, they were determined not to let him escape from their hands.

Upon this I formed the resolution to attempt his escape, but opened my intentions to nobody but to my dear Evans. In order to concert measures I strongly solicited to be permitted to see my lord, which they refused to grant me, unless I would remain confined with him in the Tower. This I would not submit to, and alleged for excuse that my health would not permit me to undergo the confinement. The real reason of my refusal was, not to put it out of my power to accomplish my designs ; however, by bribing the guards, I often contrived to see my lord, till the day upon which the prisoners were condemned ; after that, we were allowed for the last week to see and take our leave of them.

By the help of Evans I had prepared every thing necessary to disguise my lord, but had the utmost difficulty to prevail upon him to make use of them ; however I at length succeeded by the help of Almighty God.

On the 22d of February, which fell on a Thursday, our petition was to be presented to the house of lords, the purport of which was, to entreat the lords to intercede with his majesty to pardon the prisoners. We were, however, disappointed the day before the petition was to be presented ; for the duke of St. Alban's, who had promised my lady Derwentwater to present it, when it came to the point failed in his word ; however, as she was the only English countess concerned, it was incumbent upon her to have it presented. We had but one day left before the execution, and the duke still promised to present the petition ; but for fear he should fail, I engaged the duke of Montrose to secure its being done by the one or the other. I then went in company of most of the ladies of quality who were then in town, to solicit the interest of the lords as they were going to the house. They all behaved to me with great civility, but particularly my lord Pembroke, who, though he desired me not to speak to him, yet promised to employ his interest in our favour, and honourably kept his word ; for he spoke in the house very



strongly in our behalf. The subject of the debate was, Whether the king had the power to pardon those who had been condemned by parliament? And it was chiefly owing to lord Pembroke's speech, that it passed in the affirmative. However, one of the lords stood up and said, that the house would only intercede for those of the prisoners who should approve themselves worthy of their intercession, but not for all of them indiscriminately. This salvo quite blasted all my hopes, for I was assured it aimed at the exclusion of those who should refuse to subscribe to the petition, which was a thing I knew my lord would never submit to, nor in fact could I wish to preserve his life on such terms.

As the motion had passed generally, I thought I could draw some advantage in favour of my design. Accordingly, I immediately left the house of lords, and hastened to the Tower, where, affecting an air of joy and satisfaction, I told all the guards I passed by, that I came to bring joyful tidings to the prisoners. I desired them to lay aside their fears, for the petition had passed the house in their favour. I then gave them some money to drink to the lords and his majesty, though it was but trifling; for I thought that if I were too liberal on the occasion, they might suspect my designs, and that giving them something would gain their good humour and services for the next day, which was the eve of the execution.

The next morning I could not go to the Tower, having so many things in my hands to put in readiness; but in the evening when all was ready I sent for Mrs. Mills, with whom I lodged, and acquainted her with my design of attempting my lord's escape, as there was no prospect of his being pardoned; and this was the last night before the execution. I told her that I had every thing in readiness, and that I trusted she would not refuse to accompany me, that my lord might pass for her. I pressed her to come immediately as we had no time to lose; at the same time I sent for a Mrs. Morgan, then usually known by the name of Hilton, to whose acquaintance my dear Evans has introduced me, which I look upon as a very singular happiness. I immediately communicated my resolution to her. She was of a very tall and slender make; so I begged her to put under her own riding hood one that I had prepared for Mrs. Mills, as she was to lend hers to my lord, that in coming out he might be taken for her. Mrs. Mills, was then with child, so that she was not only of the same height but nearly of the same size as my lord. When we were in the coach I never ceased talking, that they might have no leisure to reflect. Their surprise and astonishment when I first opened my design to them, had made them consent, without ever thinking of the consequences. On our arrival at the Tower, the first I introduced was Mrs. Morgan, for I was only allowed to take in one at a time. She brought in the clothes that were to serve Mrs. Mills, when she left her own behind her. When Mrs. Morgan had taken off what she had brought for my purpose, I con-

ducted her back to the staircase ; and in going, I begged her to send me in my maid to dress me ; that I was afraid of being too late to present my last petition that night, if she did not come immediately. I dispatched her safe, and went partly down stairs to meet Mrs. Mills, who had the precaution to hold her handkerchief to her face, as was very natural for a woman to do when she was going to bid her last farewell to a friend on the eve of his execution. I had, indeed, desired her to do it, that my lord might go out in the same manner. Her eyebrows were rather inclined to be sandy, and my lord's were dark and very thick ; however, I had prepared some paint of the colour of her's to disguise his with. I also bought an artificial head-dress of the same coloured hair as her's ; and I painted his face with white, and his cheeks with rouge, to hide his long beard, which he had not time to shave. All this provision I had before left in the Tower. The poor guards, whom my slight liberality the day before had endeared me to, let me go quietly with my company, and were not so strictly on the watch as they usually had been ; and the more so, as they were persuaded, from what I had told them the day before, that the prisoners would obtain their pardon. I made Mrs. Mills take off her own hood, and put on that which I had brought for her. I then took her by the hand, and led her out of my lord's chamber ; and, in passing through the next room, in which there were several people, with all the concern imaginable, I said, my dear Mrs. Catherine go in all haste, and send me my waiting-maid ; she certainly cannot reflect how late it is ; she forgets that I am to present a petition to-night ; and, if I let slip this opportunity, I am undone, for to-morrow will be too late. Hasten her as much as possible, for I shall be on thorns till she comes. Every body in the room, who were chiefly the guards' wives and daughters, seemed to compassionate me exceedingly ; and the centinel officiously opened the door. When I had seen her out, I returned back to my lord, and finished dressing him. I had taken care that Mrs. Mills did not go out crying as she came in, that my lord might the better pass for the lady who came in crying and afflicted ; and the more so, because he had the same dress which she wore. When I had almost finished dressing my lord in all my petticoats, excepting one, I perceived that it was growing dark, and was afraid that the light of the candles might betray us ; so I resolved to set off. I went out, leading him by the hand, and he held his handkerchief to his eyes. I spoke to him in the most piteous and afflicted tone of voice, bewailing bitterly the negligence of Evans, who had ruined me by her delay. Then said I, my dear Mrs. Betty, for the love of God, run quickly and bring her with you. You know my lodging, and if ever you made dispatch in your life, do it at present. I am almost distracted with this disappointment. The guards opened the doors ; and I went down stairs with him, still conjuring him to make all possible dispatch. As soon as he cleared the door, I made him walk before me, for fear the centinel should take notice of his walk ; but I still continued to press him to make all

dear Evans, into whose hands I confided him. I had before engaged Mr. Mills to be in readiness before the Tower, to conduct him to some place of safety in case we succeeded. He looked upon the affair so very improbable to succeed, that his astonishment when he saw us, threw him into such consternation, that he was almost out of himself; which Evans perceiving, with the greatest presence of mind, without telling him any thing, lest he should mistrust them, conducted him to some of her own friends on whom she could rely, and so secured him, without which we should have been undone. When she had conducted him, and left him with them, she returned to find Mr. Mills, who by this time had recovered himself from his astonishment. They went home together, and having found a place of security, they conducted him to it.

In the meanwhile, as I had pretended to have sent the young lady on a message, I was obliged to return up stairs, and go back to my lord's room, in the same feigned anxiety of being too late, so that every body seemed sincerely to sympathise with my distress. When I was in the room, I talked to him as if he had been really present, and answered my own questions in my lord's voice as nearly as I could imitate it. I walked up and down, as if we were conversing together, till I thought they had time enough thoroughly to clear themselves of the guards. I then thought proper to make off also. I opened the door, and stood half in it, that those in the outward chamber might hear what I said; but held it so close, that they could not look in. I bid my lord a formal farewell for that night; and added, that something more than usual must have happened, to make Evans negligent on this important occasion, who had always been so punctual on the smallest trifles; that I saw no other remedy than to go in person; that if the Tower were still open when I finished my business, I would return that night; but that he might be assured I would be with him as early in the morning, as I could gain admittance into the Tower; and I flattered myself I should bring favourable news. Then before I shut the door, I pulled through the string of the latch, so that it could only be opened on the inside. I then shut it with some degree of force, that I might be sure of its being well shut. I said to the servant as I passed by, who was ignorant of the whole transaction, that he need not carry in candles to his master till my lord sent for him, as he desired to finish some prayers first. I went down stairs and called a coach. As there were several on the stand, I drove home to my lodgings, where poor Mr. M'Kensie had been waiting to carry the petition, in case my attempt had failed. I told him there was no need of any petition, as my lord was safe out of the Tower, and out of the hands of his enemies, as I hoped; but that I did not know where he was. I discharged the coach, and sent for a sedan chair, and went to the duchess of Buccleugh, who expected me about that time, as I had begged of her to present the petition for me; having taken my pre-

cautions against all events, and asked if she were at home ; and they answered that she expected me, and had another dutchess with her. I refused to go up stairs, as she had company with her, and I was not in a condition to see any other company. I begged to be shown into a chamber below stairs, and that they would have the goodness to send her grace's maid to me, having something to say to her. I had discharged the chair, lest I might be pursued and watched. When the maid came in, I desired her to present my most humble respects to her grace, who, they told me, had company with her, and to acquaint her, that this was my only reason for not coming up stairs. I also charged her with my sincerest thanks for her kind offer to accompany me when I went to present my petition. I added, that she might spare herself any further trouble, as it was now judged more advisable to present one general petition in the name of all. However, that I should never be unmindful of my particular obligations to her grace, which I would return very soon to acknowledge in person.

I then desired one of the servants to call a chair, and I went to the dutchess of Montrose, who had always borne a part in my distresses. When I arrived, she left her company, to deny herself, not being able to see me under the affliction which she judged me to be in. By mistake, however, I was admitted ; so there was no remedy. She came to me ; and, as my heart was in an ecstasy of joy, I expressed it in my countenance as she entered the room. I ran up to her in the transport of my joy. She appeared to be extremely shocked and frightened ; and has since confessed to me, that she apprehended my trouble had thrown me out of myself, till I communicated my happiness to her. She then advised me to retire to some place of security ; for that the king was highly displeased, and even enraged at the petition that I had presented to him, and had complained of it severely. I sent for another chair, for I always discharged them immediately, lest I might be pursued. Her grace said she would go to court, to see how the news of my lord's escape were received. When the news was brought to the king, he flew into an excess of passion, and said he was betrayed ; for it could not have been done without some confederacy. He instantly dispatched two persons to the Tower, to see that the other prisoners were well secured, lest they should follow the example. Some threw the blame upon one, some upon another ; the dutchess was the only one at court who knew it.

When I left the dutchess, I went to a house which Evans had found out for me, and where she promised to acquaint me where my lord was. She got thither some few minutes after me, and told me, that when she had seen him secure, she went in search of Mr. Mills, who, by the time, had recovered himself from his astonishment ; that he had returned to her house, where she had found him ; and that he had removed my lord from the first place, where she had desired him to wait, to the house of a poor woman, directly opposite to the guard-house. She had but one small room, up one pair of stairs, and a very small bed in it. We threw

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down. She left us a bottle of wine and some bread, and Mrs. Mills brought us some more in her pocket the next day. We subsisted on this provision from Thursday till Saturday night, when Mrs. Mills came and conducted my lord to the Venetian ambassador's. We did not communicate the affair to his excellency; but one of his servants concealed him in his own room till Wednesday, on which day the ambassador's coach and six was to go down to Dover to meet his brother. My lord put on a livery, and went down in the retinue, without the least suspicion, to Dover, where Mr. Mitchell, (which was the name of the ambassador's servant) hired a small vessel, and immediately set sail for Calais. The passage was so remarkably short, that the captain threw out this reflection, that the wind could not have served better if his passengers had been flying for their lives, little thinking it to be really the case. Mr. Mitchell might have easily returned without being suspected of having been concerned in my lord's escape; but my lord seemed inclined to have him continue with him, which he did, and has at present a good place under our young master.

This is as exact and as full an account of this affair, and of the persons concerned in it, as I could possibly give you, to the best of my memory, and you may rely on the truth of it.

For my part, I absconded to the house of a very honest man in Drury Lane, where I remained till I were assured of my lord's safe arrival on the continent. I then wrote to the duchess of Buccleugh, (every body thought till then that I was gone off with my lord) to tell her that I understood I was suspected of having contrived my lord's escape as was very natural to suppose; that if I could have been happy enough to have done it, I should be flattered to have the merit of it attributed to me; but that a bare suspicion without proof, could never be a sufficient ground for my being punished for a supposed offence, though it might be motive enough to me to provide a place of security; so I entreated her to procure leave for me to go with safety about my business. So far from granting my request, they were resolved to secure me if possible. After several debates, Mr. Solicitor-General, who was an utter stranger to me, had the humanity to say, that since I showed so much respect to government as not to appear in public, it would be cruel to make any search after me: upon which it was decided, that if I remained concealed, no further search should be made, but that if I appeared either in England or Scotland, I should be secured. But that was not sufficient for me, unless I could submit to expose my son to beggary. My lord sent for me up to town in such haste, that I had no time to settle any thing before I left Scotland. I had in my hands all the family papers: I dared trust them to nobody. My house might have been searched without warning, consequently they were far from being secure there. In this distress, I had the precaution to bury them under ground; and nobody but the gardener and myself knew where they were. I did the

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same with other things of value. The event proved that I had acted prudently; for after my departure they searched the house, and God knows what might have transpired from these papers.

All these circumstances rendered my presence absolutely necessary, otherwise they might have been lost; for, though they retained the highest preservation after one very severe winter, for when I took them up, they were as dry as if they came from the fireside, yet they could not possibly have remained so much longer without prejudice. In short, as I had once exposed my life for the safety of the father, I could not do less than hazard it once more for the fortune of the son. I had never travelled on horseback but from York to London, as I told you; but the difficulties did not now arise from the severity of the season, but from the fear of being known and arrested. To avoid this, I bought three saddle horses, and set off with my dear Evans and a very trusty servant, whom I brought with me out of Scotland. We put up at all the smallest inns on the road that could take in a few horses, and where I thought I was not known, for I was thoroughly known in all the considerable inns on the north road. Thus I arrived safe at Traquair, where I thought myself secure; for the lieutenant of the county, being a friend of my lord's, would not permit any search to be made for me, without sending me previous notice to abscond. Here I had the assurance to rest myself for two whole days, pretending that I was going to my own house with the leave of the government, and sent no notice to my own house, lest the magistrates of Dumfries might make too narrow inquiries about me; so they were ignorant of my arrival in the country till I were at home, where I still feigned to have permission to remain. To carry on the deceit the better, I sent for all my neighbours, and invited them to come to my house. I took up my papers at night, and sent them off to Traquair. It was a peculiar stroke of providence that I made the dispatch I did; for they soon suspected me; and, by a very favourable accident, one of them was overheard to say to the magistrates of Dumfries, that the next day they would insist upon seeing my leave from government. This was bruited about; and when I was told of it, I expressed my surprise that they had been so backward in coming to pay their respects; but, said I, better late than never; be sure to tell them that they shall be welcome whenever they choose to come. This was after dinner; but I lost no time to put every thing in readiness, but with all possible secrecy, and the next morning before day-break I set off again for London with the same attendants; and, as before, I put up at the smallest inns, and arrived safe once more.

On my arrival, the report was still fresh of my journey into Scotland, in defiance of their prohibition. A lady informed me that the king was extremely incensed at the news; that he had issued orders to have me arrested; adding, that I did whatever I pleased in spite of all his designs; and that I had given him more anxiety and trouble than any woman in all Europe. For which reasons I kept myself as closely con-

ceased as possible, till the heat of these rumours had abated. In the meanwhile, I took the opinion of a very famous lawyer, who was a man of the strictest probity; he advised me to go off as soon as they had ceased searching for me. I followed his advice, and, about a fortnight after, I escaped without any accident whatever.

The reason he alleged for his opinion was this, that although in other circumstances a wife cannot be prosecuted for saving her husband; yet, in cases of high treason, according to the rigour of the law, the head of a wife is responsible for that of a husband; and, as the king was so highly incensed, there could be no answering for the consequences; and he, therefore, entreated me to leave the kingdom.

The king's resentment was greatly augmented by the petition which I presented, contrary to his express orders; but my lord was very anxious that a petition might be presented, hoping that it would be at least serviceable to me. I was, in my own mind, convinced that it would answer no purpose; but, as I wished to please my lord, I desired him to have it drawn up; and I undertook to make it come to the king's hand, notwithstanding all the precautions he had taken to avoid it. So the first day I heard that the king was to go to the drawing room, I dressed myself in black, as if I had been in mourning, and sent for Mrs. Morgan, (the same who accompanied me to the Tower) because, as I did not know his majesty personally, I might have mistaken some other person for him. She staid by me, and told me when he was coming. I had also another lady with me; and we three remained in a room between the king's apartments and the drawing room, so that he was obliged to go through it; and, as there were three windows in it, we sat in the middle one, that I might have time enough to meet him before he could pass. I threw myself at his feet, and told him in French, that I was the unfortunate countess of Nithsdale, that he might not pretend to be ignorant of my person. But, perceiving that he wanted to go off without receiving my petition, I caught hold of the skirt of his coat, that he might stop and hear me. He endeavoured to escape out of my hands; but I kept such strong hold, that he dragged me upon my knees from the middle of the room to the very door of the drawing room. At last, one of the blue ribons who attended his majesty, took me round the waist, whilst another wrested the coat out of my hands. The petition which I had endeavoured to thrust into his pocket fell down in the scuffle, and I almost fainted away through grief and disappointment.

One of the gentlemen in waiting picked up the petition; and as I knew that it ought to have been given to the lord of the bed-chamber, who was then in waiting, I wrote to him, and entreated him to do me the favour to read the petition which I had had the honour to present to his majesty. Fortunately for me, it happened to be my lord Dorset, with whom Mrs. Morgan was very intimate. Accordingly, she went into the drawing room, and delivered him the letter, which he received very graciously. He could not read it then, as he was at cards with the

prince; but as soon as ever the game was over he read it, and behaved, as I afterwards learned, with the warmest zeal for my interest, and was seconded by the duke of Montrose, who had seen me in the anti-chamber, and wanted to speak to me. But I made him a sign not to come near me, lest his acquaintance might thwart my designs. They read over the petition several times, but without any success; but it became the topic of their conversation the rest of the evening; and the harshness with which I had been treated soon spread abroad, not much to the honour of the king. Many people reflected, that they had themselves presented petitions to the late king, and that he had never rejected any, even from the most indigent objects; but that this behaviour to a person of my quality was a strong instance of brutality.

These reflections, which circulated about, raised the king to the highest pitch of hatred and indignation against my person, as he has since allowed: for when all the ladies, whose husbands had been concerned in the affair, presented their petition for dower, mine was presented among the rest; but the king said I was not entitled to the same privilege; and, in fact, I was excluded; and it was remarkable that he would never suffer my name to be mentioned. For these reasons, every body judged it prudent for me to leave the kingdom; for, so long as this hatred of the king subsisted, it was not probable that I could escape falling into his hands. I accordingly went abroad.

This is the full narrative of what you desired, and of all the transactions which passed relative to this affair. Nobody living, besides yourself, could have obtained it from me; but the obligations I owe you, throw me under the necessity of refusing you nothing that lies in my power to do.

As this is for yourself alone, your indulgence will excuse all the faults which must occur in this long recital. The truth you may depend upon. Attend to that, and overlook all deficiencies.

My lord desires you to be assured of his sincere friendship. I am, with the strongest attachment, my dear sister, yours most affectionately,

(Signed) WINEFRED NITHSDALE.

Transactions of the Society of the Scottish Antiquaries, vol. i. pp. 523—539.



## No. II.

*Abstract of some of the Forfeited Estates in Scotland, taken by the Surveyor and his Deputy, 1716 and 1717.*

**1.—Estate of George, late Earl of Winton.**

Money, rent payable in money	L.266	7	9
Wheat, 1683 bolls, 2 fir-lots, 2 pecks, 3 4-15th lippies, at 10s. 5d. per boll	876	18	4
Barley, 1957 bolls, 2 fir-lots, 2 pecks, 1 9-15th lippies, at do.	1019	12	2
Oats, 318 bolls, 3 fir-lots, 3 pecks, 1 1/2 lippies, at do.	166	12	2
Straw, 504 thraves, at 5d. per thrave	10	10	0
Capons, 795 1/2, at 10d. each	81	4	4
Hens, 802 1/2, at 6 1/2d. each	22	5	8
Salt pans, 12—and 2 coal pits, reckoned about	1000	0	0
	L.3393	10	5

**2.—Estate of James, late Earl of Southesque.**

Money, rent payable in money	L.1178	6	4
Wheat, 146 bolls, 2 fir-lots, at 6s. 11d. per boll	50	17	4
Barley, 2675 bolls, 1 fir-lot, 3 pecks, at do.	928	19	6
Oats, 237 bolls, at do.	82	5	10
Oatmeal, 2773 bolls, 1 peck, at do.—Rye, 16 bolls, at do.	968	8	6
Geese, 86, at 1s. each—			
Capons, 775, at 6d. each	25	16	6
Poultry, 2124, at 4d. each	35	8	2
Chickens, 47, at 2d. each, Swine, 2, at 10s. each	1	7	10
	L.3271	10	0

**3.—Estate of James, late Earl of Linlithgow.**

Money, rent payable in money	L.1109	12	1
Barley, 159 bolls, 2 lippies, at 6s. 11 1/2d. per boll	55	7	6

Oatmeal, 163 bolls, 1 peck, at do. per boll	L.57	16	7
Hens, 436, at 5d. each—			
Chickens, 788, at 2d.	15	4	8
	L.1238	0	0

**4.—Estate of James Stirling, late of Keir.**

Money, rent payable in money	L.625	19	10
Barley, 308 bolls, 1 peck, 2 lippies, at 6s. 11 1/2d. per boll	106	18	0
Oatmeal, 426 bolls, 2 fir-lots, 1 peck, at do.	148	1	9
Malt, 5 bolls, at do. per boll	1	14	8
Wethers, 16, at 5s. 6d. per wether	4	8	0
Geese, 19, at 1s. each	0	19	0
Capons, 184, at 8d. each	6	2	8
Hens, 530, at 6d. each	13	5	0
Cheese, 2 stone, at 3s. 4d. per stone	0	6	8
Butter, 4 lb. at 3d. per lb.	0	1	0
	L.900	17	5

**5.—Estate of James, late Earl of Panmure.**

Money, rent payable in money	L.1843	17	11
Wheat, 243 bolls, 1 fir-lot, 2 pecks, at 6s. 11d. per boll	74	2	11
Barley, 2013 bolls, 1 fir-lot, 2 pecks, at do. per boll	696	5	9
Oatmeal, 2203 bolls, 2 fir-lots, 3 pecks, at do. per boll	762	2	0
Oats, 110 bolls, 1 fir-lot, 3 pecks, at do. per boll	38	3	9
Geese, 8, at 1s. each—			
Capons, 456, at 6d. each	11	16	0
Chickens, 456, at 1 1/2d. each			
—Hens, 312, at 3d. each	6	15	0

Ells Linen, 60½, at 6d. ell	L.1	10	3
Wethers, 14, at 9s. 4d.			
per wether	2	6	8
Butter, 7 lb. at 3d. per lb.	0	1	9
	L.3437	3	0

6.—*Estate of George Home, late of Wedderburn.*

Money, rent payable in money	L.206	3	10
Capons, 31, at 6d. each.—			
Hens, 57, at 5d. each	1	19	3
Carriage of coals, 52 loads, at 6d. per load	1	6	0
Carriages, 47, at 1s. 8d. per carriage	3	10	0
	L.213	0	1

7.—*Estate of James Home, late of Ayr.*

Money, rent payable in money	L.114	16	0
Barley, 272 bolls, 3 firloths, at 10s. 8d. per boll	148	1	1
Oats, 96 bolls, at do. per boll	30	0	0
Capons, 26, at 8d. each.—			
Hens, 194, at 6d. each	5	14	10
Carriages, 113, at 1s. 8d. per carriage	9	8	4
Coals, carriage of 38 loads, at 6d. per carriage	0	19	0
Swine, 1, at	0	11	1
	L.323	10	4

8.—*Estate of William, late Viscount of Kilsyth.*

Money, rent payable in money	L.702	12	2
Barley, 144 bolls, at 10s. 8d. per boll	75	0	0
Oatmeal, 167 bolls, 3 firloths, at do. per boll	87	7	4
	L.864	19	6

9.—*Estate of Sir Hugh Paterson, late of Bannockburn.*

Money, rent payable in money	L.231	17	7
Barley, 78 bolls, 2 firloths, at 10s. 6d. per boll	41	4	2
Malt, 20 bolls, at do. per boll	10	10	0

Oats, 27 bolls, 3 firloths, at do. per boll	L.14	11	3
Oatmeal, 91 bolls, 2 firloths, at do. per boll	46	0	6
Straw, 109 thraves, at 5d. per thrave	2	5	5
Hens, 296, at 5d. each.—			
Capons, 239, at 8d. each	14	3	6
	L.412	12	7

10.—*Estate of Robert Crow, late of East Reston.*

Money, rent payable in money	L.91	14	5
Barley, 25 bolls, at 10s. 8d. per boll	13	0	5
Oats, 46 bolls, at do. per boll	25	0	0
Capons, 60, at 8d. each	2	0	0
Hens, 24, at 5d. each	0	10	0
Carriages, 63, at 1s. 8d. each	5	5	0
	L.137	9	10

11.—*Estate of John, late Earl of Mar, in the counties of Stirling and Clackmannon.*

Money, rent payable in money	L.650	0	0
Wheat, barley, beans, oats, 643 bolls, at 10s. 8d.	334	17	11
Oatmeal, 449 bolls, 3 firloths, 1 peck, at do. per boll	234	5	6
Mustard seed, 4 pecks, 3 lippies, at 1s. 4d. per peck	0	6	4
Straw, 168 turnes, at 1s. 8d. per turne	14	0	0
Capons, 490, at 10d. a-piece	20	8	4
Poultry, 958, at 6d. each.—			
Geese, 79, at 2s. each	31	17	0
Ducks, 42, at 6d. each.—			
Butter, 1 stone, at 6s. 8d.	1	7	8
Swine, 1, at	0	11	1

*Earl of Mar's estate in the county of Aberdeen.*

Money, rent payable in money	L.317	6	6
Barley, 56 bolls, at 6s. 11d. per boll	19	7	4
Oatmeal, 116 bolls, 3 pecks, at do. per boll	40	4	10
Wethers, 16, at 3s. 4d. per wether	2	13	4
Capons, 90, at 6d. each.—			
Hens, 127, at 5d. each	2	12	2

—Geese, 42, at 1s. 1d.	L.4 10 10
Linen, 4 yards, at 7d. per yard	0 2 4
Peats, 1039 loads, at 2d. per load	8 13 2
	<hr/>
	L.1184 9 8

12.—*Estate of John Stewart, late of Inverurie.*

Money, rent payable in money	L.351 19 11
Barley, 6 bolls, at 6s. 11d. per boll	2 1 6
Oatmeal, 4 bolls, 3 fir. lots, 3 pecks, at do.	1 14 1½
Geese, 4, at 1s. each.—	
Wethers, 1, at 5s.	0 9 0
Capons, 145, at 5d. each.—	
—Hens, 24, at 3d. each	3 6 6
Chickens, 282, at 1½d. each	1 15 3
Heaps yarn, 8, at 6d. per heap	0 4 0
Fleers yarn, 24, at 1d. per heer	0 2 0
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	L.361 12 2½

The principal part of the tenants of this estate pay the tithing lamb, and tithing fleece of wool.

13.—*Estate of Major-General Gordon, late of Auchincloss.*

Money, rent payable in money	L.147 12 6
Barley, 25 bolls, at 6s. 11d. per boll	8 12 11
Oatmeal, 501 bolls, 1 fir. lot, 3 pecks, at do.	173 8 2½
Wethers, 24, at 3s. 4d. per wether	4 0 0
Lambs, 15, at 1s. 1d. per lamb	0 16 3
Capons, 132, at 4d. each.—	
—Hens, 262, at 8d. each	5 14 6
Chickens, 120, at 1d. each	0 10 0
Butter, 10 stone, at 4s. 5d. per stone.—	
Sow, 1, at 11s. 4d.	2 15 6
Peats, 9 loads, at 4s. per load	1 16 0
Do. 36 foot, at 1d. per foot	0 3 0
Do. 12 loads, at 2d. per foot	0 2 0
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	L.345 17 3½

14.—*Estate of Robert Helle, late of Powhouse.*

Money, rent payable in money	L.70 8 6
Barley, 184 bolls, at 10s. 5d. per boll	95 16 8
Oatmeal, 331 bolls, at do.	172 7 11
Pease and Beans, 39 bolls, at do. per boll	20 4 3
Geese, 6, at 2s. each.—	
Ducks, 15, at 7d. each	1 0 9
Poultry, 54, at 6d. each.—	
Hens, 300, at 6d. each	8 17 0
Capons, 93, at 16d. each.—	
—Swine, 1, at 11s.	4 6 6
Peats, 16,000, at 4s. per thousand	3 4 0
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	L.1216 9 7

15.—*Estate of Geo. McKeachie, late of Netthill.*

Money, rent payable in money	L.45 3 10
Barley, 56 bolls, at 7s. per boll	19 12 0
Oats, 4 bolls, at do.—	
Hens, 48, at 5d. each	2 8 0
Cheese, 2 stone, at 2s. 8d.—	
—Ewe wool, 4 stone, at 4s.	1 1 4
Wether wool, 24 stone, at 4s. per stone	4 16 0
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	L.74 0 2

16.—*Estate of James Springear, late of Bowhill.*

Money, rent payable in money	L.16 2 4
Barley, 16 bolls, at 7s. per boll	5 12 0
Oats, 16 bolls, at do.—	
Hens, 24, at 5d. each	6 2 0
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	L.27 16 4

17.—*Estate of Patrick Searson, late of Lathrisk.*

Money, rent payable in money	L.16 16 0
Barley, 185 bolls, 2 firlots, at 7s. per boll	64 12 6
Oats, 207 bolls, 1 firiot, at do.	72 10 9
Cocks, 5, at 5d. each.—	
Capons, 60, at 7d. each	1 11 1

Hens, 237, at 5d. each—			
Chickens, 54, at 2d.	L.5	7	9
Geese, 20, at 1s. each—			
Linen, 14 ells, at 7d.	1	8	2
Butter, 1 stone, at 6s. 8d.			
—Yarn, 96 hours, at 1d.	0	14	8
	L.163	13	11

18.—*Estate of William Douglas, late of Glenberoy.*

Money, rent payable in money	L.20	0	0
Wheat, 8 bolls, at 7s. per boll	2	16	0
Barley, 64 bolls, at do—			
Oats, 68 bolls, at do.	46	4	0
Oatmeal, 16 bolls, at do. per boll—Capon, 12 at 7d.	5	19	0
Hens, 24, at 5d. each—			
Poultry, 36, at 5d. each	1	5	0
	L.76	4	0

19.—*Estate of Sir John Preston, late of Prestonhall.*

Money, rent payable in money	L.68	3	6
Barley, and Oats, 459 bolls, 3 firloths, at 7s. per boll	160	13	0
Chickens, 24, at 2d. each.			
Poultry, 104, at 5d. each	2	7	4
Straw, 4 thraves, at 4d. per thrave—Swine, 1, at 11s.	0	12	4
	L.231	16	2

20.—*Estate of Alexander Menzies, late of Woodend.*

Money, rent payable in money	L.65	4	9
Barley, 30 bolls, at 7s. per boll	10	10	0
Oatmeal, 13 bolls, 3 firloths, at do.	4	16	2½
Capon, 6, at 7d. each—			
Poultry, 108, at 5d. each	2	8	6
Carriages, 6 loads coals, at 7d. per load	0	4	8
	L.83	3	5½

21.—*Estate of Colonel John Balfour, late of Fairney.*

Money, rent payable in money	L.36	16	8
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Wheat, 20 bolls, at 6s. 11d. per boll	L.6	18	4
Barley, 144 bolls, at do.	48	16	0
Oats, 144 bolls, at do—			
Oatmeal, 20 bolls, at do.	55	13	7
Poultry, 180, at 5d. each	3	15	0
	L.122	19	5

22.—*Estate of the late Master of Nairn.*

Money, rent payable in money	L.41	2	9
Barley, 19 bolls, 3 firloths, at 6s. 11d. per boll	6	16	7
Oatmeal, 29 bolls, 1 firloth, at do.	10	2	3
Poultry, 111, at 5d. each	2	6	3
	L.60	7	10

23.—*Estate of Major Henry Balfour, late of Dunbog.*

Barley, 195 bolls, 3 firloths, at 7s. per boll	L.68	10	3
Wheat, 78 bolls, at do—			
Malt, 3 bolls, at do	28	7	0
Oats, 197 bolls, at do—			
Hens, 134, at 5d. each	71	14	10
Cocks, 16, at 4d. each—			
Capon, 68, at 7d. each	2	5	0
Poultry, 20, at 5d. each—			
Ducks, 3, at 7d. each	0	10	1
	L.171	7	9

24.—*Estate of the late Earl Marischal.*

Money, rent payable in money	L.622	4	7
Barley, 1072 bolls, 2 firloths, 2 pecks, at 7s. per boll	375	3	4
Oatmeal, 1699 bolls, 3 firloths, 3 lippies, at 6s. per boll	584	8	6
Oats, 26 bolls, 2 firloths, 3 pecks, ½ lippie, at do.	9	6	9½
Wheat, 28 bolls, at do. per boll	7	14	0
Wethers, 64, at 5s. per wether—Lamba, 23, at 4s. 8d.	17	18	4
Swine, 6, at 11s. 1d. each.			
—Eggs, 648, 1d. per dozen	3	10	7

Capons, 385, at 6d. each.			
—Hens, 478, 3d each	L.15	7	0
Chickens, 142, at 2d. each.			
—Geese, 24, at 1s. 1d.	2	9	8
Marta, 21, 16s. 8d. each.			
—Pease, 37 leats, 6s.			
8d.		29	16 8
	L.1668	4	5½

25.—*Estate of John Carstairs, late of Kilconquhar.*

Money, rent payable in money	L.42	1	7
Barley, 407 bolls, 1 firlet, 2 pecks, 2 lippies, at 7s.	163	10	10
Oatmeal, 123 bolls, at do. per boll	43	1	0
Oats, 71 bolls, 2 firlets, 1 lippie, at do. per boll	25	0	7
Beans, 10 bolls, at do. per boll.—Malt, 12 bolls, at do.	7	14	0
Malt, 12 bolls, at do. per boll	4	4	0
Wethers, 2, 5s. each.—Grazing, 20 wethers, 6d. each	1	0	0
Capons, 34, at 7d. each.—Hens, 134, at 5d. each	9	15	8
Poultry, 185, at 4d. each	3	1	8
	L.293	9	4

26.—*Estate of the late Lord Nairn.*

Money, rent payable in money	L.671	7	3
Barley, 47 bolls, at 7s. per boll	16	9	0
Meal, 89 bolls, 3 lip. at do. per boll	51	3	3
Wethers, 19, at 5s. per wether	4	15	0
Capons, 128, at 7d. each	3	14	8
Poultry, 512, at 5d. each.			
—Swine, 5, at 11s. each	13	8	4
	L.740	17	6

27.—*Estate of Sir David Threpland, late of Fingask.*

Money, rent payable in money	L.147	1	4
Barley, 144 bolls, at 7s. per boll	50	8	0

Oatmeal, 320 bolls, at do. per boll.—Oats, 10 bolls at do.	L.115	10	0
Wheat, 48 bolls, at do.—Pease, 21 bolls, at do	24	3	0
Yarn, 20 sps. 1 hamp. 3 heers, at 2s. per sp.	2	0	9
Geese, 79, at 1s. each.—Capons, 77, at 7d each	6	9	11
Hens, 33, at 5d. each.—Poultry, 508, at 4d. each	9	3	1
Chickens, 20, at 2d. each.—Straw, 21 thraves, at 4d.	0	10	4
	L.355	0	5

28.—*Estate of John Hay, late of Crom. Rr.*

Money, rent payable in money	L.274	2	7
Barley, 224 bolls, 1 peck, 3 lippies, at 7s. per boll	78	8	8
Oats, 26 bolls, at do. per boll	9	2	0
Oatmeal, 75 bolls, 2 fir. at do per boll	26	8	6
Hens, 16, at 5d. each.—Poultry, 318, at 4d. each	5	12	8
Geese, 34, at 1s. 1d.—Capons, 41, at 7d. each	3	0	9
Straw, 69 thraves, at 4d. per thrave	1	3	6
Ditto, 24 turres, at 1s. 1d. per turse	1	6	6
Peats, 979 loads, at 1d. per dozen loads	2	14	4
Butter, 62 stone, at 4s. 5d. per stone.—Cheese, 1, at 2s. 8d.	13	0	6
	L.415	3	0

29.—*Estate of William, late Earl of Nithsdale.*

Money, rent payable in money	L.749	10	10
Barley, 16 bolls, 2 firlets, Nithsdale meas. about 44 bolls ordinary measure, 10s. 5d. per boll	22	18	4
Oatmeal, 18 bolls, 1 peck, 2 lippies, Nithsdale measure, 41 bolls, 2 pecks, ordinary measure, at do. per boll	20	0	5

Multure Shill', 13 pecks, Nithsdale meas. about 2 bolls, 1 firiot, 2 pecks, ordinary measure	L.1	3	11
Capons, 41, at 7d. each.—			
Hens, 347, at 6d. each	8	8	6
Chickens, 55, at 2d. each	0	9	2
Casting Peats, at 1d. per dozen loads	0	13	6
	L.803	2	8

30.—*Estate of Alexander Farquharson,  
late of Inncroy.*

Money, rent payable in money	L.244	17	6
Barley and oatmeal, 93 bolls, at 7s. per boll	32	11	0
Wethers, 5, at 3s. 4d. per wether	0	16	8
Malt, 4 bolls, at 7s. per boll.—Capons, 16, at 6d. each	1	16	0
Poultry, 91, at 4d. each.— Linens, 3 yards, at 7d. per yard	1	14	4
	L.281	15	6

31.—*Estate of William, late Viscount of  
Kenmore.*

Money, rent payable in money	L.538	8	4
Barley, 31 bolls, at 10s. 5d. per boll	16	2	11
Oats, 33 bolls.—Oatmeal, 11, at do.	22	7	11
Wethers, 26, at 5s. per wether.—Capons, 61, at 7d.	8	5	7
Hens, 101, at 5d. each.— Chickens, 668, at 2d.	7	13	5
Butter, 29 stone, at 4s. 5d. —Tallow, 5 stone, at 4s. 5d.	7	10	2
Lamb, 1, at	0	1	6
	L.600	9	0

32.—*Estate of James, late Lord Drum-  
mond.*

Money, rent payable in money	L.2020	3	5
Barley, 322 bolls, 2 fir- lots, 1 peck, at 7s. per boll	112	17	11

Oatmeal, 916 bolls, at do. —Oats, 62 bolls, at do.	L.342	6	0
Wethers, 96, at 3s. 4d. each.—Lambs, 40, at 1s. 1d.	18	3	4
Geese, 129, at 1s. 1d. each	6	19	9
Capons, 46, at 6d. each. —Hens, 530, at 6d. each	14	8	0
Chickens, 341, at 1s. 8d. per dozen	2	7	6
Poultry, 1468, at 3d. each	18	12	0
Eggs, 196 dozen, at 1½d. per dozen	1	1	9
Winterings, 30, at 2s. 9d. per wintering	4	2	6
Kids, 33, at 1s. 1d. each. —Swine, 11, at 10s. each	7	5	9
Straw, 52 turses, 2 thraves, at 1s. 1d. per turse	2	16	10
Cheese, 21½ stone, at 2s. 9d. per stone	2	19	1½
Butter, 90 pints, at 1s. 1d. per pint	4	17	6
Do. 10 stone, at 6s. 8d. per stone	3	6	8
Linen, 78 yards, at 7d. per yard	2	5	6
Nuts, 19 pecks, at 1s. 1d. per peck	1	0	7
Creals, 5 pair, 8d. a pair. —Peats, 800 loads	0	16	0
	L.2566	3	1½

33.—*Estate of Robert, late Lord Bur-  
leigh.*

Money, rent payable in money	L.349	5	2
Wheat, 39 bolls, 2 firlots, at 7s. per boll	13	16	6
Barley, 497 bolls, 1 peck, at do. per boll	173	19	5
Oatmeal, 52 bolls, 2 firlots, at do. per boll	18	7	6
Oats, 342 bolls, 1 firiot, at do. per boll	123	5	8
Pease, 9 bolls, at do.— Hens, 271, at 5d. each	8	15	11
Chickens, 179, at 1½d. each.—Capons, 179, at 8d. each	7	2	0
Poultry, 69, at 4d. each.— Swine, 1, at 11s. 1d.	1	14	1
Green Linen, 12 yards, at 6d. per yard	0	6	0

Shearers, 4, at 10s. each.			
Shear dirgs, 4, at 5d. each	L.2	1	8
Straw, 115 thraves, at 4d. per thrave		1	18 4
	<hr/>	L.700	12 3

**34.—Estate of John Walkinshaw, late of Scotstown.**

Money, rent payable in money	L.109	3	4
Capons, 6, at 8d. each.—			
Hens, 43, at 5d. each	1	1	11
	<hr/>	L.110	5 3

**35.—Estate of William Graham, late of Duntroom.**

Money, rent payable in money	L.39	8	4
Barley, 20 bolls, at 7s. per boll		7	0 0
Oatmeal, 20 bolls, at do.—			
Yarn, 4 sps. at 2s. per sp.		7	8 0
Capons, 12, at 6d. each.—			
Hens, 12, at 4d. each		0	10 0
	<hr/>	L.54	6 4

**36.—Estate of William Grier, jun. late of Lagg.**

Money, rent payable in money	L.424	15	0
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**37.—Estate of Robert, late Earl of Carnwath.**

Money, rent payable in money	L.783	5	2
Oatmeal, 15 bolls, 1 peck, 3 lippies, at L.1, 8s. 8d. per boll		21	15 2
Multure Shill, 16 bolls, 2 firlots, 1 peck, 3 lippies, at L.2, 17s. 4d. per boll		47	12 8
Horse corn, 1 boll, 2 firlots, at L.1, 8s. 6d.		2	5 0
Peats, 195 loads, at 1d. per load		0	16 3
Hens, 33, at 5d. each.—			
Fowls, 450, at 4d. each		8	3 9
Poultry, 42, at 4d. each		0	14 0
	<hr/>	L.865	2 0

**38.—Estate of Mr. Basil Hamilton, late of Baldoon.**

Money, rent payable in money	L.1225	12	8
Barley, 127 bolls, 2 firlots, 2 pecks, at 13s. 10d. per boll		88	5 4
Malt, 2 bolls, at do. per boll		1	7 8
Oats, 244 bolls, 1 firlot, at do.		168	18 1
Capons, 138, at 8d. each.—			
Hens, 12, at 8d. each		4	17 0
Chickens, 636, at 2d. each		5	6 0
Tallow, 1 stone, at		0	4 5
	<hr/>	L.1494	11 2

*Sum of the foregoing Articles.*

1. Wintoun	£3393	10	5
2. Southesque	3271	10	0
3. Linlithgow	1238	0	0
4. Keir	900	17	5
5. Panmure	3437	3	0
6. Wedderburn	213	0	1
7. Ayton	323	10	4
8. Kilsyth	864	19	6
9. Bannockburn	412	12	7
10. East Reston	137	9	10
11. Marr	1184	9	5
12. Invernitie	361	12	2½
13. Auchintowl	345	17	3
14. Powhouse	1216	9	7
15. Nutthill	74	0	2
16. Bowhill	£27	16	4
17. Lathrisk	163	12	11
18. Glenbervy	76	4	0
19. Preston-hall	231	16	2
20. Woodend	83	3	5
21. Fairny	122	19	5
22. Mr. of Nairn	60	7	10
23. Dunboog	171	7	2
24. Earl Marischal	1668	4	5
25. Kilconquhar	293	9	4
26. Lord Nairn	740	17	6
27. Fingask	355	0	5
28. Cromlix	415	3	0
29. Nithsdale	803	2	8
30. Inneray	281	15	6

31. Kenmure	.	£600	9	0	36. Lagg	.	£424	15	0
32. Drummond	.	2566	3	1	37. Carnwath	.	865	2	0
33. Burleigh	.	700	12	3	38. Baldoon	..	1494	12	2
34. Scotstown	.	110	5	3					
35. Duntroon	.	54	6	4			L.29,686	7	11½

### No. III.

*Extract from a Memorial on the state of the Highlands, by  
DUNCAN FORBES, President of the Court of Session.*

THE memorial begins with Argyleshire, “the country of the Campbells.”

“*Campbells.*—In Gaelic they are called Clan Guin, or O Duine. The Duke of Argyle is their chief. He is called in the highlands Macaillain Mor. On his own property, and on his kinsmen's lands, he can raise above 3000 men; the earl of Breadalbane, more than 1000; and the barons of the names of Campbell, Ardkinglass, Auchinbreck, Lochnell, Inneraw, and others, 1000; so that this clan could bring into the field above 5000 men, besides those barons and gentlemen of the name in Dumbarton, Stirling, and Perthshire, and the laird of Calder in Nairn. They are at present the richest and most numerous clan in Scotland; their countries and bounds most extensive; their superiorities, jurisdictions, and other dependencies, by far the greatest in the kingdom, which makes the family of the greatest importance in North Britain, and has been so since the decline of the Douglasses, the total fall of the Cummins, the extinction of the earl of Ross's family, and of the Macdonalds of the isles.

“*Maclean.*—In Gaelic called Clan Lein. Sir Hector Maclean of Douart is their chief. He is called in the highlands Macil-Lein. This was a very potent clan 200 years ago, and could have raised 800 men; but now that the Campbells are possessed of their chief's estate, they will hardly make 500, and even many of that number must be brought out of the duke of Argyle's estate.

“*Maciachlan.*—In Gaelic called Clan Lachlin. The laird of Maciachlan is their chief. He can raise 300 men.

“*Stewart of Appin.*—The laird of Appin is their chieftain. He holds his lands of the crown, and can raise 300 followers.

“*Macdougall of Lorn.*—In Gaelic called Clanvickuil. Their chief is the laird of Macdougall. He is called in the highlands Mackuil Laurin. This was a more potent family of old, but is now much diminished by the Campbells; they can still (I believe) bring out 200 men.

“*Macdonalds of Sleate.*—Proceeding northward by the coast and isles



we come to the Macdonalds. Sir Alexander Macdonald is their chieftain. In Gaelic he is called Mac Connel nan Eilan, simply by way of pre-eminence; he has a very large estate which he holds of the crown. It lies in the isles of Skye and Uist. He can bring out 700 men.

“*Macdonald of Clanranald*.—In Gaelic this chieftain is called Mack vic Allian, and in English captain of Clanranald. He has a very handsome estate, holding most of it from the crown. It lies in Moidart and Arisaig on the continent; and in the isles of Uist, Benbecula, and Rum. He can bring out 700 men.

“*Macdonell of Glengarry*.—The laird of Glengarry is their chieftain. In Gaelic he is called Mac vic Allistair. He has a good estate, which he holds of the crown. It lies in Glengarry and Knoidart. He can bring out 500 men.

“*Macdonell of Keppoch*.—Keppoch is their chieftain. In Gaelic he is called Mac vic Raonuil. He is not proprietor of one ridge of land, but himself, kindred, and followers, are only tacksmen and tenants, holding the most of their possessions from the laird of Macintosh, and the rest from the duke of Gordon, all being in Lochaber. He can raise and bring out 300 followers.

“*Macdonald of Glenco*.—The laird of Glenco is their chieftain. In Gaelic he is called Mac-vic-Ian. He holds his lands of Stewart of Appin, and can raise 150 men.

“These five chieftains of the Macdonalds all claim a lineal descent from Alexander Macdonald earl of Ross, successor and representative of the Macdonalds of the isles; but none of them have any clear document to vouch the same, so that that great and aspiring family, who waged frequent wars with our Scotch kings, and who acted as sovereigns themselves, and obliged most of the clans to swear fealty to them, is now utterly extinct. The last earl of Ross had no sons, nor any near male relation to succeed him.

“*Cameron*.—A very potent clan in Lochaber. The laird of Lochiel, called in Gaelic Maconnel Dui, is their chief. He has a good estate, but none of it holds of the crown; the most of it holds of the duke of Argyle, and the rest of the duke of Gordon. He can bring out 800 men. Of old there were several tribes in that country, viz. Macmartin of Letterfinlay, and others, branches of the Camerons, who faithfully followed their chief.

“*Macleods*.—Were two distinct and very potent families of old, viz. Macleod of Lewis, and Macleod of Harris, but they are both utterly extinct, and their lands possessed by the Mackenzies. The present laird of Macleod is chief of the name. He is called in Gaelic, Macleod. He has a very considerable estate, all holden of the crown, lying in Glenelg, on the continent, and in the isle of Skye. He can bring out 700 men.

“*Mackinnons*.—The laird of Mackinnon is their chief; he holds his lands of the crown, both in the isles of Skye and Mull, and can raise 200 men.

“I again pass to the south to give an account of the inland chiefs

beginning again in Argyleshire, and proceeding from thence northward. There are several persons of rank, as well as gentlemen, who are chieftains, and who have the command of many highlanders in Argyle, Monteth, Dumbarton, Stirling, and Perth shires ; such as the duke of Montrose, the earls of Murray and Bute, also the Macfarlanes, Macneil of Barra, Macnab of Macnab, Buchanans and Colquhouns of Luss, Macnaughtons, Lamont of Lamont, &c. They can raise among them 5,400 men. Besides these there are several border families, those of Kibraick, Brodie of Brodie, Innes of Innes, Irvine of Drum, Lord Forbes, and the earl of Airley, all of whom are loyal, except the Ogilvies. Few or none of them have any followers, except lord Airley, from his highland estate.

“ *Duke of Perth.*—Is no clan family, although the duke is chief of a considerable number of barons and gentlemen of the name of Drummond in the low country. He is brought in here alienably on account of his command of about 300 highlanders in Glenartnie and other glens in the county of Perth.

“ *Robertsons.*—The laird of Strowan is their chief. They are called in Gaelic, Clan Donachie. His lands hold of the crown, and lie in Rannoch, and in the Braes of Athole in Perthshire. On his own estate he can raise about 200 men. There are 500 men more of the Robertsons in Athole who never follow their chief, being part of the followers of the duke of Athole.

“ *Menzies.*—Sir Robert Menzies of Weem is their chief. In Gaelic he is called Menairich. He has a very handsome estate, all holding of the crown, lying in Rannoch, and Appin Dull in Athole, and can raise 300 men.

“ *Stewart of Grandtully.*—Has a handsome estate in Strathbrane and Strathay in Athole, all holding of the crown, out of which he can raise 300 followers.

“ *Clan Gregor.*—This name was called down by act of parliament. They are now dispersed under the different names of Drummond, Murray, Graham, and Campbell, and live in the counties of Perth, Stirling, Dumbarton, &c. &c. They have no present chief, that being elective, and continuing no longer than the current expedition. He is chosen on the principle of *detur digniori*. They can raise among them 700 men.

“ *Duke of Atholl.*—The Murrays is no clan family, though the duke of Atholl is chief, and head of a number of barons and gentlemen of the name of Murray in the lowlands ; but he is deservedly placed here on account of his extensive following of about 3000 highlanders, a good many of them out of his own property, but most of them from the estates of the barons and gentlemen who hold their land of him on account of his great superiorities in Athole, Glenalmond, and Balquidder. The most numerous of these, and the readiest to turn out on all occasions, are the Stewarts of Athole, in number more than 1000 men, as also 500 Roberstons, who do not follow their chief ; likewise the Fer-

gussons, Smalls, Spaldings, Rattrays, Mackintoahes in Athole, and Maclarens in Balquidder, with other broken names in Athole, are all followers of the duke of Atholl.

“ Crossing the Grampian mountains to Brae Mar.

“ *Farquharsons*.—The only clan family in Aberdeenshire. In Gaelic called Clan Ianla. They can bring out about 500 men. The Laird of Invercauld is their chief. He has a very handsome estate holden of the crown, both in Perthshire and Brae Mar. There are several other barons of the name that have competent fortunes, such as Monaltrie, Inverey, Finzean, &c.

“ *Duke of Gordon*.—The Gordons is no clan family, although the duke is chief of a very powerful name in the lowlands. He has a great posse of cavalry, and gentlemen on horseback in Enzie and Strathbogie, but he is only placed here on account of his highland followings in Strathavon and Glenlivet, which are about 300 men ; his extensive jurisdictions and superiorities in the centre highlands, viz. Badenoch, Lochaber, and Strathspey, do not yield him any followers. The tenants on his own property, as well as those who hold their lands of him in feu, follow their natural-born chief, of whom they are descended, and pay no regard either to the master or superior of their lands. Thus the Camerons follow Lochiel, the Macphersons follow Clunie, and other chiefs are followed and obeyed in the same manner from respect, family attachment, and consanguinity.

“ *Grant*.—A considerable name and family in Strathspey. The laird of Grant is their chief. He has a handsome and large estate both in Strathspey and Urquhart, in the county of Inverness, all holden of the crown, except Abernethy, which he holds of the earl of Moray. He can raise out of Strathspey 700 men, and out of Urquhart 150. He has several barons of his name both in Inverness, Moray, Banff, and Aberdeen shires, such as Dalvey, Ballandalloch, Rothiemurcus, Cullen, &c.

“ *Mackintoshes*.—This was one of the most potent clans in Scotland when their residence was at Tor Castle in Lochaber, the ancient seat of their family (of which country they are still heritable stewards,) but the Camerons having purchased the said estate, their power is much diminished. The laird of Mackintosh is their chief ; in Gaelic he is called Mackintoshach, and in English Captain of Clan Chattan. He can bring out 800 men, including the small neighbouring clans of Macgillivray, Macqueen, Macbean, &c. who all own themselves his kinsmen. His countries are Brae Lochaber, Badenoch, and Strathnearn, in Inverness-shire. He still retains a very competent estate. He holds Brae Lochaber, Moy, and Larga, of the crown, Badenoch of the duke of Gordon, and most of his kinsmen hold Strathnearn of the earl of Moray.

“ *Macphersons*.—Called in Gaelic Clan Vurrich. Their chief is the laird of Clunie. He can raise 400 men. His whole lands, and all his kinsmen's lands, hold of the duke of Gordon, and lie in Badenoch.

“ *Frasers*.—Are a considerable clan in the countries of Aird and

Stratherrig, in Inverness-shire. Their chief is lord Lovat; in Gaelic he is called Macimmie. He has a large estate held of the crown; and can raise 900 men. He has a good number of barons of his name in Inverness and Aberdeen shires.

*Grant of Glenmoriston*.—Is chieftain of a branch of the Grants, but does not follow his chief. He brings out 150 men. In Gaelic he is called Macphadrick. His lands hold of the crown. In armaments he frequently joins with the laird of Glengarry.

*Chisholms*.—Their chief is Chisholm of Strathglass, in Gaelic called Chisallich. His lands are held of the crown, and he can bring out 200 men.

*Mackenzies*.—One of the most considerable clans of one name next to the Campbells in the nation. The earl of Seaforth is their chief. In Gaelic he is called Mao Coinich. Out of his countries of Kintail, Lochalsh, Lochbroom, Lochcarron, on the continent, and in the isle of Lewis, all in Ross-shire, he can raise 1000 men. The earl of Cromarty, with the lairds of Gairloch, Scatwell, Killcowie, Redcastle, Comrie, &c. &c. can raise among them 1500 men more.

*Monroes*.—Sir Henry Monroe of Fowlis is their chief. His lands hold of the crown. He can raise 300 men.

*Rosses*.—Lord Ross is their chief. His lands hold of the crown, and he can raise 500 men.

*Sutherlands*.—The earl of Sutherland is their chief. In Gaelic he is called Morar Chatto. He can raise 2000 men.

*Mackays*.—The Lord Reay is their chief. He is called in Gaelic, Macaoi. His estate holds of the crown, and brings out 800 men.

*Sinclairs*.—The earl of Caithness is their chief. He is called in Gaelic, Morar Gallu. He could raise 1000 men, but many of his followers are now under May, Dunbeath, Ulbster, Freswick, &c. &c."

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*The following should have come in as a note, p. 372.*

"The general assembly annually appoints a committee, which usually consists of all the members of assembly, with full power to decide causes which the assembly have not had time to discuss, and which they remit to this committee, which has the name of the 'Commission of the General Assembly;' adding, besides, instructions to watch over every thing in which the general interest of the church appears to be concerned. The commission has full power to decide finally on the causes remitted to them, and no appeal can be taken against their decisions. But what is equivalent, a complaint may be brought to next assembly, that the commission has exceeded its powers; and, on such complaint, the assembly may alter or reverse their sentence. The quorum is thirty-one, of whom twenty-one must be ministers."—*Moncreif's Life of Erskine*, p. 467.